

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 8833 of 2023

Petitioner :- Hemant And 3 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- M.P.S. Chauhan

Counsel for Respondent :- G.A.,Manish Kumar Mishra

Hon'ble Vivek Kumar Birla,J.

Hon'ble Manish Kumar Nigam,J.

1. Heard Sri M.P.S. Chauhan, learned counsel for the petitioners, learned A.G.A. appearing for the State respondents.

2. This writ petition has been filed praying to quash the impugned First Information Report dated 26.4.2023 registered as Case Crime No. 134 of 2023, under Sections 498A, 323, 342, 376, 506 IPC and Section 3/4 D.P. Act, P.S. Mahua Kheda, District Aligarh.

3. Vide order dated 14.06.2023, the matter was referred to the mediation centre.

4. Perused the office report dated 13.10.2023 and the settlement agreement dated 10.10.2023 which indicates that matter has been peacefully settled between the parties and they have settled their differences on the terms mentioned in paragraph 7 of the settlement agreement dated 10.10.2023.

5. The paragraph 7 is quoted as under:-

"7. The following settlement has been arrived at between the parties hereto:-

a) That the parties have already settled their dispute and decided to live separately and in this regard they have filed a petition u/s 13-B of the Hindu Marriage Act before Principal Judge, Family Court, Aligarh on 10.7.2023, which is registered as Marriage Petition No.1129 of 2023. The certified copy of aforesaid divorce petition is being annexed herewith for kind perusal of this Hon'ble Court.

b) That it has been consented and agreed between the parties that the husband shall pay an amount of Rs.3,00,000/- (Rupees Three Lakh only) by way of Demand Draft, to the wife. The aforesaid amount shall include permanent alimony and Stridhan of the wife.

c) That it has been stated by both the parties that the aforesaid amount of alimony had already been paid to Respondent No.3-wife by Petitioner No.1-Husband and

she has acknowledged the receipt of the same. The parties have produced an affidavit dated 11.09.2023 which contains all the terms and conditions. The certified copy of the aforesaid affidavit is annexed herewith for kind perusal of the Hon'ble Court and the same shall be a part of the settlement also.

d) They further reiterate and reaffirm the terms and conditions mentioned in the aforesaid affidavit dated 11.09.2023, as such, there remains nothing to be settled between the parties.

e) That it has also been agreed between the parties that in view of the above, all civil and criminal cases filed by them against each other regarding present matrimonial dispute shall be withdrawn by the parties concerned by taking appropriate steps before the Court/authority concerned.

f) That both the parties have finally agreed that in pursuance to the present final agreement between them, they will not file any fresh cases against each other with regard to the present dispute in future.

g) That it has been agreed between the parties that they shall not violate the terms and conditions of this settlement otherwise the aggrieved party will be free to take legal recourse."

6. It is submitted that as between the parties compromise had already taken place therefore, the impugned First Information Report dated 26.4.2023 registered as Case Crime No. 134 of 2023, under Sections 498A, 323, 342, 376, 506 IPC and Section 3/4 D.P. Act, P.S. Mahua Kheda, District Aligarh is liable to be quashed.

7. Thus, in view of the well settled principles of law as laid down by the Hon'ble Apex Court reported in **2003(4) SCC 675 (B.S. Joshi Vs. State of Haryana)**, **J.T. 2008(9) SC 192 (Nikhil Merchant Vs. Central Bureau of investigation and another)**, **(2012) 10 SCC 303 (Gian Singh Vs. State of Punjab)**, **(2014) 9 SCC 653 (Yogendra Yadav and others Vs. State of Jharkhand)** and also **(2014) 6 SCC 466 (Narendra Singh Vs. State of Punjab)**, and in view of the settlement agreement dated 10.10.2023, the impugned First Information Report dated 26.4.2023 registered as Case Crime No. 134 of 2023, under Sections 498A, 323, 342, 376, 506 IPC and Section 3/4 D.P. Act, P.S.-Mahua Kheda, District-Aligarh is hereby quashed.

8. The present petition is, accordingly, **allowed**.

Order Date :- 16.11.2023

S. Singh