

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 9777 of 2022

Petitioner :- Akshay Kumar And 6 Others

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

Counsel for Petitioner :- Jitendra Kumar

Counsel for Respondent :- G.A.,Rajnish Dubey

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Jitendra Kumar, learned counsel for the petitioners, learned A.G.A. appearing for the State respondents and Sri Rajnish Dubey, learned counsel appearing for the respondent no. 3.

2. This writ petition has been filed praying to quash the impugned First Information Report dated 08.07.2022 registered as Case Crime No. 0140 of 2022, under Sections 498A, 323, 504, 506, 376, 377 IPC and 3/4 D.P. Act, P.S. Mahila Thana, District Ghaziabad.

3. Learned counsel for the parties highlighting the certified copy of the order sheet of Case No. 17/17/2022, under Section 13 of Hindu Marriage Act (annexed SCA-1) pointed out that compromise had already taken place between the parties and the divorce petition was dismissed as withdrawn. By drawing attention to certified copy of the agreement dated 20.01.2023 executed between the parties which is part of the record of the Family Court, Court No. 1, Ghaziabad. In such view of the matter, compromise entered between the parties and the present petition may be allowed on the basis of order dated 20.01.2023.

4. It is next submitted that in view of the compromise that has taken place between the parties it is clear that no offence under Section 376 and 377 IPC are made out any in any case, the criminal prosecution would have no legs to stand.

5. In such view of the matter, on perusal of record we also find that there are extremely weak chance of success of prosecution case even if put to trial in respect of the aforesaid offences in view of the stand taken by the parties.

6. In view of the order dated 20.01.2023, and the discussion made herein above, the present petition stands allowed. The First Information Report dated 08.07.2022 registered as Case Crime No. 0140 of 2022, under Sections 498A, 323, 504, 506, 376, 377 IPC and 3/4 D.P. Act, P.S. Mahila Thana, District Ghaziabad as well as all consequential proceedings are hereby quashed.

Order Date :- 29.11.2023

Ujjawal