

Court No. - 88

Case :- APPLICATION U/S 482 No. - 22358 of 2023

Applicant :- Himanshu Goyal And 4 Othrs

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Jagdish Prasad Mishra

Counsel for Opposite Party :- G.A.,Rajesh Kumar Tiwari

Hon'ble Sanjay Kumar Singh,J.

1-Heard learned counsel for the applicants, learned Additional Government Advocate for the State of U.P./opposite party No.1, learned counsel for opposite party Nos. 2 and 3 and perused the record.

2-This application under Section 482 Cr.P.C. has been filed by the applicants to quash the charge sheet No. 419 of 2022 dated 31.10.2022, cognizance/summoning order dated 13.12.2022 and proceedings of Case No. 28223/9 of 2022 (State versus Himanshu Goel and others) arising out of Case Crime No. 08 of 2022, under Sections 498-A, 323, 504, 506 I.P.C. and 3/4 Dowry Prohibition Act, Police Station Nai Mandi, District Muzaffarnagar, pending in the court of learned ACJM-I Muzaffarnagar, on the basis of compromise between the parties concerned.

3-Filtering out unnecessary details, the basic facts in brief, which are necessary for disposal of this case as argued by the learned counsel for the applicants are that the applicant nos. 1 to 4 are husband, father-in-law, mother-in-law and sister-in-law of the opposite party no. 3 respectively and applicant no. 5 is cousin of applicant no.1. This is a matrimonial dispute between applicant no. 1 and opposite party no. 3. Marriage of applicant no. 1 was solemnized on 21.07.2018 with opposite party no. 3, but on account of acrimonious relation, their marriage was not successful, as a result thereof opposite party no.2 (father of opposite party no.3) lodged F.I.R. on 08.01.2022, under Sections 498-A, 323, 504, 506, 354(ka), 307 I.P.C. and Section 3/4 Dowry Prohibition Act making allegation of harassment and torture of

opposite party no. 3 in her matrimonial home, in which after culmination of investigation charge sheet dated 31.10.2022 has been submitted under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 Dowry Prohibition Act against them, on which Magistrate concerned took cognizance and summoned them vide order dated 13.12.2022 to face trial. Thereafter, parties concerned have settled their dispute outside the Court and a compromise application dated 22.05.2023 has been moved before the concerned court below, which was directed to be verified by the court concerned vide order of coordinate Bench of this Court dated 26.06.2023. In compliance of order dated 26.06.2023, compromise between the parties concerned has been verified vide order dated 17.07.2023 of Additional Chief Judicial Magistrate and a report dated 18.07.2023 to that effect has been submitted before this Court, which is on record.

4-On the strength of aforesaid facts it is submitted that on account of compromise arrived at between the parties concerned, all disputes between them have come to an end, therefore, aforesaid criminal proceeding against the applicants is liable to be quashed by this Court.

5-Learned Additional Government Advocate as well as learned counsel appearing on behalf of opposite party nos.2 and 3 do not dispute the aforesaid facts. Learned counsel for opposite party nos. 2 and 3 has also submitted at the Bar that since the parties concerned have settled their dispute as mentioned above, therefore, opposite party nos.2 and 3 do not want to prosecute the applicants and have no objection in quashing the impugned criminal proceedings against the applicants.

6-After having heard the arguments of learned counsel for the parties, I find that after settlement arrived at between the parties in the present case, the chance of ultimate conviction is bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution against the applicants to continue, as the same would be futile

exercise and a sheer wastage of precious time of the Court. The continuation of a criminal proceedings after compromise would cause oppression and prejudice to the parties concerned. If the parties concerned wants to bury the hatchet and are willing to move on in a matrimonial dispute on the basis of compromise, they may be allowed to compound the offences in terms of settlement, because in such circumstances the proceedings can hardly be taken to their logical culmination and, the prospect of conviction gets lost.

7-Considering the facts and circumstances of the case in the light of dictum and guidelines laid down by the Apex Court in case of **B.S. Joshi and others Vs. State of Haryana and another, (2003) 1 SCC (Cri) 848** and **State of Madhya Pradesh Vs. Laxmi Narayan and others, AIR 2019 SC 1296**, this Court feels that this is a fit case, where this Court can exercise its inherent power to secure the ends of justice. In the case in hand interest of justice would be met, if the prayer of parties is acceded to and the criminal proceedings and other litigation between the parties are brought to an end.

8-In view of the above, impugned charge sheet No. 419 of 2022 dated 31.10.2022, cognizance/summoning order dated 13.12.2022 and proceedings of Case No. 28223/9 of 2022 (State versus Himanshu Goel and others) against the applicants are hereby quashed.

9-In the conspectus of the aforesaid, this application under Section 482 Cr.P.C. is **allowed** in terms of compromise as mentioned above.

Order Date :- 28.11.2023

Kashifa