

Court No. - 92

Case :- APPLICATION U/S 482 No. - 22554 of 2023

Applicant :- Siraj Ahmad And 3 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Ajay Kumar Pandey

Counsel for Opposite Party :- G.A.,Ravi Pandey

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Ajay Kumar Pandey, learned counsel for the applicants, Sri Ravi Pandey, learned counsel for the opposite party no.2 and Sri Kamlesh Kumar Tripathi, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of the charge-sheet dated 04.01.2023 as well as impugned cognizance order dated 27.03.2023 in Criminal Case No. 1878 of 2023 (State vs. Siraj Ahmad), arising out of Case Crime No. 269 of 2022 u/S 498A, 504, 323, 354 I.P.C. and 3/4 Dowry Prohibition Act, P.S.- Delhi Gate, District- Aligarh, pending in the court of learned Additional Chief Judicial Magistrate, Court No.1, Aligarh.

3. Vide order dated 26.07.2023, the parties were relegated to Mediation Centre of this Court for settlement of matrimonial dispute between the parties. As per the mediation report dated 19.10.2023, mediation between the parties is successful and the copy of the agreement between the parties has been annexed, which read as under:

**"ALLAHABAD HIGH COURT MEDIATION AND CONCILIATION
CENTRE SETTLEMENT AGREEMENT**

This SETTLEMENT AGREEMENT entered into on 19.10.2023, between Siraj Ahmad (Applicant No. 1-husband) and Adiba Anjum (O. P. No. 2-wife).

WHEREAS

1. Disputes and differences had arisen between the Parties hereto and APPLICATION U/s 482 No. 22554 of 2023 was filed before the Hon'ble High Court.

2. The matter was referred to mediation/conciliation vide order dated 30-06-2022 passed by Hon'ble Anish Kumar Gupta,J.

3. The parties agreed that Mr. U.S. Mishra and Mr. R.K. Sonkar, Advocates would act as their Conciliator/Mediators, in Mediation Case No. 3064/2023.

4. Several Joint and separate meetings were held during the process of Conciliation/Mediation on 03.08.2023, 10.08.2023, 24.08.2023, 21.09.2023, 05.10.2023, 12.10.2023 and 19.10.2023 the parties have with the assistance of the Mediator Conciliator voluntarily arrived at an amicable solution resolving the

above-mentioned disputes and differences.

5. That the marriage Siraj Ahmad (Applicant No 1-husband) and Adiba Anjum (O. P. No. 2-wife) was solemnized on 11.11.2018. Out of aforesaid wedlock, the parties have no issue. The parties started living separately for more than one year.

6. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator/Conciliator.

7. **In view of the Interim Settlement dated 12.10.2023**, the following settlement has been arrived at between the Parties hereto:-

a) That the parties have decided to take Talaq and in this regard they have prepared a notarized 'Talaqnama/Sahmati Patra' which is being annexed to this settlement agreement for kind perusal of the Hon'ble Court.

b) That it has been agreed between the parties that the applicant-husband shall pay an amount of Rs. 2,00,000/- (Rupees Two Lakh only) to the wife by way of demand drafts towards the amount of Mehar, Iddat Period, Maintenance and other financial claims of wife with regard to present matrimonial dispute.

c) That on 12.10.2023, the applicant-husband has produced a demand draft bearing No.074258 dated 09.10.2023 for Rs. 2,00,000/- (Rupees Two Lakh only) drawn on HDFC Bank in favour of Ms. Adeeba Anjum (wife) which was kept in the concerned file and the same has been handed over today i.e. 19.10.2023 and she has acknowledged the receipt of the same.

d) That it has been agreed between the parties that all the articles/household items has been exchanged between the parties on 16.10.2023.

e) That it has also been agreed between the parties that 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 the parties will not file any fresh case against each other in respect of this matrimonial dispute. They have no claim against each other in future also.

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

8-By signing this Agreement the Parties hereto state that the **APPLICATION U/s 482 No. 22554 of 2023** and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of Conciliation/Mediation.

DATE: 19.10.2023

Ankit

4. Accordingly to this, the parties have signed the Talaknama(सहमति पत्र) and the opposite party no.2 has received a sum of Rs. 2,00,000/- as full and final settlement against all her claims, by way of demand draft dated 09.10.2023, which was handed over to the opposite party no.2 on 19.10.2023. The parties have also exchanged the articles and household items between the parties in terms of the agreement and parties have also already agreed to withdraw all the civil suits against each other.

5. In view of the aforesaid settlement between the parties and instant case which was a matrimonial dispute between the parties and due to the settlement the peace will prevail in the society and between the parties as well. In view of the aforesaid and in the light of the judgements of the Apex Court ***B.S.Joshi and Other vs. State of Haryana and Another : (2003)4 SCC 675, Prabatbhai Aahir Alias Prabatbhai Bhimsinghbhai Karmur and others vs. State of Gujarat and Another : (2017) 9 SCC 641; Narinder Singh & Ors. vs. State of Punjab : (2014) 6 SCC 466 and Gian Singh vs. State of Punjab and Another : (2012) 10 SCC 303***, the instant application is ***allowed*** in terms of the aforesaid compromise between the parties, and proceedings in Criminal Case No. 1878 of 2023 (State vs. Siraj Ahmad), arising out of Case Crime No. 269 of 2022 u/S 498A, 504, 323, 354 I.P.C. and 3/4 Dowry Prohibition Act, P.S.- Delhi Gate, District- Aligarh, pending in the court of learned Additional Chief Judicial Magistrate, Court No.1, Aligarh, are hereby **quashed**.

Order Date :- 24.11.2023
Shubham Arya