

Court No. - 87

Case :- APPLICATION U/S 482 No. - 23542 of 2023

Applicant :- Tarun Gupta

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

Counsel for Applicant :- R.K. Mishra

Counsel for Opposite Party :- G.A., Rama Shanker Yadav

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and learned counsel for the opposite party No.2.

2. The present application u/s 482 Cr.P.C. has been filed for quashing the entire proceedings of Criminal Case No. 20770 of 2018, State of U.P. Vs. Tarun Gupta, u/s 498-A, 323, 504, 506 I.P.C. and 3/4 of D.P. Act. P.S. Harbansh Mohal, Kanpur Nagar, arising out of case crime no. 215 of 2017, P.S. Narbansh Mohal, Kanpur Nagar and to quash the cognizance order dated 27.4.2018.

3. The case was heard on 04.07.2023 and the Court has passed the following order:-

"Heard learned counsel for the applicant and learned A.G.A. for the State and perused the record.

The present application u/s 482 Cr.P.C. has been filed for quashing the entire proceedings of Criminal Case No. 20770 of 2018, State of U.P. Vs. Tarun Gupta, u/s 498-A, 323, 504, 506 I.P.C. and 3/4 of D.P. Act. P.S. Harbansh Mohal, Kanpur Nagar, arising out of case crime no. 215 of 2017, P.S. Narbansh Mohal, Kanpur Nagar and to quash the cognizance order dated 27.4.2018.

Learned counsel for the applicant has submitted that O.P. No.2 is wife of applicant no. 1 and on account of matrimonial discord between the applicants and O.P. No.2, this criminal case was registered against the applicant, however, with the intervention of respected members of both the families, parties have amicably settled all their disputes and differences and now they do not have any grievance against each other.

Learned counsel for the applicant has next drawn the attention of the Court to the compromise application dated 10.5.2023, drawn between the parties, a copy of which has been annexed as Annexure No. 7 to this application.

Learned counsel for the applicants has next submitted that the said compromise made between the parties be sent for verification by the court below.

Learned A.G.A. does not dispute the aforesaid facts.

In view of the above, both the parties shall appear before the court below on 9.8.2023 and shall file a copy of the compromise deed, which shall be verified by the court below in presence of the parties and shall forward a report to this Court by the next date fixed.

List on 18.8.2023.

Till then no coercive measure shall be taken against the applicant in the aforesaid case. "

4. Pursuant to order dated 04.07.2023, compromise has been verified by the trial Court vide order dated 16.08.2023 and the same has been received to this Court from Metropolitan Magistrate, Court No.9, Kanpur Nagar, vide letter dated 06.09.2023.

5. Learned counsel for the opposite party No. 2 has not objected the aforesaid facts and submitted that in case proceedings against the applicants is quashed, he would have no objection.

6. In view of the facts and circumstances of the case, the applicants and opposite party no. 2 do not want to pursue the case any further as stated by them. The matter has been mutually settled between the parties, therefore, no useful purpose would be served in proceeding with the matter further.

7. Thus in view of the well settled principle of law as laid down by the Hon'ble Apex Court in the matters of **Krishnappa & Ors. vs. State of Karnataka; 2021 0 Supreme(SC) 529, Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors. vs. State of Gujarat and another; 2017 9 SCC 641, B.S. Joshi Vs. State of Haryana; 2003(4) SCC 675, Nikhil Merchant Vs. Central Burea of Investigation and another; (2008) 9 Supreme Court Cases 677, Gian Singh Vs. Stated of Punjab; (2012) 10 SCC 303 and Narinder Singh & others Vs. State of Punjab and another; (2014) Supreme Today 642**, the proceedings of the aforesaid case is hereby quashed.

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

Order Date :- 21.11.2023

Amit/-