

Court No. - 88

Case :- APPLICATION U/S 482 No. - 26375 of 2023

Applicant :- Atul Bansal And 2 Others

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

Counsel for Applicant :- Shiv Shankar Pd Gupta, Girijesh Kumar Gupta

Counsel for Opposite Party :- G.A., Pramod Kumar Singh

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 No.2 and perused the record.

2. This application under Section 482 Cr.P.C. has been filed by the applicants with a prayer to quash the charge sheet dated 08.09.2022, supplementary charge sheet dated 09.11.2022, cognizance order dated 12.01.2023 and proceedings of Criminal Case No. 421 of 2023 (State Vs. Atul Bansal and others) arising out of Case Crime No. 0222 of 2022, under Sections 498-A, 323, 504, 506, 308 I.P.C. and Section 3/4 Dowry Prohibition Act, Police Station Gulawati, District Bulandshahar, pending in the court of learned C.J.M. Bulandshahar, 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 and 2 are husband and mother-in-law of opposite party no.3- Smt. Rubi Bansal. Applicant no. 3-Yogesh Bansal is cousin of applicant no.1. Marriage of applicant no.1 was solemnized with opposite party no.3 on 11.12.2009 and from their wedlock two children, namely, Vinayak and Km. Niyati were born, who are presently aged about 12 years and 7 years respectively, 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 15.06.2022 under Sections 498-A, 323, 504, 506 I.P.C. against three accused persons, namely, Atul

Bansal, Kamlesh Bansal and Manoj Bansal, in which after culmination of investigation charge sheet dated 08.09.2022 has been submitted against applicant nos. 1 and 2 and charge sheet dated 09.11.2022 has been submitted against applicant no.3, on which the Magistrate concerned took cognizance on 12.01.2023 and summoned them to face trial. At the initial stage, when this case was filed, at the request of the applicants matter was referred to mediation centre of this Court vide order dated 04.10.2023, but on 05.10.2023, the parties concerned have settled their dispute in Case No. 1224 of 2022 (Rubi Bansal Vs. Atul Bansal) under Section 12 of Protection of Women from Domestic Violence Act, and accordingly withdrawal application No. 21A was moved before the trial court by opposite party no.3-Rubi Bansal in that case, which was allowed and said case has been withdrawn vide order dated 05.10.2023. On account of the said reason, the parties concerned did not appear before the Mediation Centre of this Court pursuant to order dated 04.10.2023. The Mediation Centre of this Court has also submitted its report dated 08.12.2023 mentioning therein that since the required amount was not deposited by the applicants till 07.12.2023, therefore, notice could not be issued to the parties by the Mediation Centre. It is also pointed out that as per terms and conditions of settlement, a sum of Rs. 8,50,000/- was to be paid by applicant no.1 (husband) to opposite party no.3 (wife), which has been paid by applicant no.1 vide demand draft No. 120735 dated 11.09.2023 to opposite party no.3. Thereafter, applicant no.1 and opposite party no.3 jointly preferred Petition under Section 13-B of Hindu Marriage Act, seeking decree of divorce on mutual consent, which has been registered as Marriage Case No. 1144 of 2023 and is pending before the court of Principal Judge, Family Court, Bulandshahar.

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 no.2 do not dispute the aforesaid facts. Learned counsel for opposite party no. 2 has also submitted at the Bar that since the parties concerned have settled their dispute as mentioned above, therefore, opposite party no.2 does not want to prosecute the applicants and has no objection if the proceedings against the applicants is quashed by this Court.

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, impugned cognizance order and impugned criminal

proceedings of aforesaid Case 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.

10. Pending application, if any, stands disposed of.

Order Date :- 14.12.2023

Kashifa