

Court No. - 88

Case :- APPLICATION U/S 482 No. - 25933 of 2022

Applicant :- Ravendra Kumar

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Santosh Kumar Upadhyay, Vinod Kumar Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1-Heard learned counsel for the applicant, 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 applicant to quash the order dated 21.04.2022 in Case No. 1350 of 2020 (State Vs. Ravendra Kumar) arising out of charge sheet dated 25.01.2020 in Case Crime No. 386 of 2018, under Section 498-A, 504, 506 I.P.C. and 3/4 Dowry Prohibition Act, Police Station-Mahila Thana, District-Prayagraj, pending in the court of learned Additional Civil Judge (J.D.) Court No.21, Allahabad, whereby learned court below has proceeded to issue bailable warrant against the applicant.

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 applicant are that the applicant is husband of opposite party no. 2. This is a matrimonial dispute between the applicant and opposite party no.2. Marriage of applicant was solemnized on 07.03.2018 with opposite party no. 2, but on account of acrimonious relation, their marriage was not successful, as a result thereof opposite party no.2 lodged F.I.R. on 20.09.2018 against the applicant and his father, in which after culmination of investigation charge sheet has been submitted against the applicant only on 25.01.2020, on which learned Magistrate took cognizance and summoned the applicant to face trial. Vide order of coordinate Bench of this Court dated 22.02.2023, the matter was referred to mediation. As per report

dated 19.03.2023 of Mediation Centre, mediation between the parties concerned has succeeded and all the disputes between them have already been settled. The divorce petition under Section 13-B of Hindu Marriage Act has been allowed and decree of divorce has been passed. Vide order dated 24.01.2023 of the coordinate Bench of this Court, the parties concerned were directed to file their compromise application before the concerned court below and the same was directed to be verified by the next date fixed. Pursuant to said order dated 24.01.2023, the report dated 01.02.2023 has been sent by learned Magistrate to 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 applicant 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 applicant and has no objection in quashing the impugned criminal proceedings against the applicant.

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 applicant 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 dated 25.01.2020, order dated 21.04.2022 and entire proceedings of aforesaid Case No. 1350 of 2020 (State Vs. Ravendra Kumar) against the applicant 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 :- 16.11.2023

Kashifa