

Court No. - 88

Case :- APPLICATION U/S 482 No. - 27104 of 2023

Applicant :- Smt. Kanchan Agarwal And 2 Others

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

Counsel for Applicant :- Ajay Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

Heard learned counsel for the applicants, learned Additional Government Advocate for the State and perused the record.

This application under Section 482 Cr.P.C. has been filed by the applicants with a prayer to quash the charge-sheet dated 06.02.2022, cognizance order dated 15.02.2022 and proceedings of criminal case no. 978 of 2022 (*State of U.P. vs. Amal Agarwal*) arising out of case crime no. 20 of 2021, under Sections 498-A, 323, 504, 506 I.P.C. and Sections 3/4 D.P. Act, Police Station Mahila Thana, District Jalaun pending in the Court of Civil Judge (J.D.)/F.T.C. (Crime Against Women) Jalaun at Orai.

It is submitted by the learned counsel for the applicants that the applicant nos. 1, 2 and 3 are mother-in-law, father-in-law and husband of opposite party no. 2. The marriage of applicant no. 3 with the opposite party no. 2 was solemnized on 30.01.2020 but their marriage was not successful, as a result thereof, on account of acrimonious relation, the opposite party no. 2 lodged the impugned F.I.R. on 24.12.2021 against the applicants in which after culmination of investigation, charge-sheet dated 06.02.2022 was submitted on which the Magistrate concerned took cognizance and summoned the applicants on 15.02.2022 to face trial. Thereafter, the parties concerned have settled their dispute outside the Court and on the mutual consent, decree of divorce has been granted under Section 13(B) of Hindu Marriage Act vide order dated 28.04.2023 of Principal Judge, Family Court, Jalaun at Orai. Copy of the same has also been brought on record as

Annexure no. 4 to this application.

It is also submitted that the compromise application dated 25.08.2023 has been filed before the concerned Court below, where criminal proceeding against the applicants is pending. Said compromise application has been brought on record as Annexure No. 1 to the supplementary affidavit dated 26.09.2023.

Whether the parties have, in fact, compromised the matter or not, can best be ascertained by the Court below, as such said compromise has to be duly verified in presence of the parties concerned before the Court.

Accordingly, the concerned Court below is directed that if any such compromise has already been filed before it, it shall issue notices to all the signatories to the compromise requiring their personal presence and, thereafter, proceed to verify the compromise. If the aforesaid compromise is verified, a report to that effect shall be prepared by the Court and the compromise will be made part of the record. The Court in that scenario will allow the parties to obtain certified copy of the report as well as compromise and it will be open to the applicants to approach this Court again for quashing of the proceedings.

Till verification of compromise between the parties by the Court concerned, no coercive action shall be taken against the applicants in the aforesaid case.

With the aforesaid directions the application stands ***disposed of.***

Order Date :- 13.10.2023

Saurabh