

Court No. - 92

Case :- APPLICATION U/S 482 No. - 34765 of 2008

Applicant :- Zaheer @ Pappu And Others

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

Counsel for Applicant :- Sharique Ahmad

Counsel for Opposite Party :- Govt. Advocate,Manish Tandon

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Sharique Ahmad, learned counsel for the applicants and Sri Manish Tandon, learned counsel for the opposite party no. 2 and Sri Prem Prakash Tirpathi, learned A.G.A. for the State.

2. The instant application has been filed seeking quashing of the entire proceedings of the Case No. 4232 of 2008(State vs. Zaheer alias Pappu & Others) arising out of Case Crime No. 72 of 2008, Under Sections 498-A, 323 I.P.C. and Section 3/4 Dowry Prohibition Act, P.S. Mahila Thana, District Kanpur Nagar, pending before the Metropolitan Magistrate II, Kanpur Nagar.

3. On the basis of compromise between the parties, learned counsel for the applicants submits that a short counter affidavit was filed on behalf of the opposite party no. 2 in the year 2008 itself admitting the compromise between the parties and according to the said compromise the marriage between the parties was dissolved. The applicants have paid the entire amount of Mehar to the opposite party no. 2 and they have moved forward in their life after the said compromise and the proceeding remained pending in this Court since 2008 as the proceedings of the aforesaid case number were stayed by this Court vide order dated 19.12.2008, which reads as follows:

"Sri Manish Tandan files short counter affidavit on behalf of opposite party no. 2.

Learned A.G.A. prays for and is granted four weeks time to file counter affidavit.

Considering the submission that both the parties have entered into compromise, it is directed that the further proceedings of case No. 4232 of 2008 under Sections 498-A,323 I.P.C. & Section 3/4 Dowry Prohibition Act, P.S. Mahila Thana, District Kanpur Nagar pending in the Court of learned Metropolitan Magistrate-II, Kanpur Nagar shall remain stayed till the next date of listing.

List after four weeks for orders."

4. In view of the aforesaid circumstances of the case that the marriage between the parties was dissolved which was admitted by the opposite party no. 2 in her short

counter affidavit filed in the year 2008 itself and she has also received the entire amount of Mehar etc. in terms of the said compromise between the parties and both the parties have moved forward in their life, therefore, in the view of the guidelines given by the Apex Court in Narinder Singh & Ors. vs. State of Punjab, (2014) 6 SCC 466 : Prabatbhai Aahir Alias Prabatbhai Bhimsinghbhai Karmur and others vs. State of Gujarat and Another , (2017) 9 SCC 641 and Gian Singh vs. State of Punjab and Another, (2012) 10 SCC 303, the instant application deserved to be allowed.

5. In view thereof, the instant application is accordingly allowed and the proceedings of Case No. 4232 of 2008, (State Vs. Zaheer alias Pappu & Others), arising out of case crime no. 72 of 2008, under Sections 498A, 323 I.P.C. and 3/4 D.P. Act, P.S. Mahila Thana, district Kanpur Nagar, pending in the court of learned Metropolitan Magistrate II, Kanpur Nagar are hereby quashed.

Order Date :- 28.10.2023

Ruhi H.