

Court No. - 92

Case :- APPLICATION U/S 482 No. - 29229 of 2018

Applicant :- Shiv Kumar Singh And 5 Others

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

Counsel for Applicant :- Dhirendra Kumar Srivastava

Counsel for Opposite Party :- G.A., Muktesh Kumar Singh, Ramkripal Yadav, Sudarshan Singh

Hon'ble Anish Kumar Gupta, J.

1. Heard Sri Aakash Patel, Advocate holding brief of Sri Dhirendra Kumar Srivastava, learned counsel for the applicants and Sri Kamlesh Kumar Tripathi, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of the charge sheet dated 28.01.2018 as well as the entire criminal proceedings of Criminal Case No. 1765 of 2018 arising out of Case Crime No. 285 of 2017, under Sections 498-A, 323, 504, 506 IPC and 3/4 Dowry Prohibition Act, P.S. Chandauli, District Chandauli, pending in the court of Chief Judicial Magistrate, Chandauli.

3. Vide order dated 24.08.2018, the matter was referred for mediation before the Mediation Centre of this Court. As per the report dated 16.04.2019 received from Mediation Centre of this Court, the mediation is completed. There is no agreement between the parties. So far as the petition against the applicant no.1, husband is concerned, that has already been dismissed by this Court vide order dated 17.09.2019.

4. Learned counsel for the applicant submits that in the instant case, the general allegations have been made against all the family members of the applicant no.1. Learned counsel for the applicant submits the instant proceedings are arising out of the matrimonial discord between the applicant no.1 and the opposite party no.2. Learned counsel for the applicant further submits that in the instant case, general allegations have been made against all the family members of the applicant no.1 with regard to torture, harassment and demand of dowry etc., against all the family members of the applicant no.1. Therefore, learned counsel for the applicant prays for quashing of the proceedings against the other family members in terms of the judgement of the Apex Court in ***Geeta Mehrotra and Another vs. State of U.P., (2012) 10 SCC 741.***

5. Learned counsel for State submits that in the instant case, there are specific and categorical allegations against all the applicants herein, as is evident from the perusal of the F.I.R., itself, therefore, the law laid down by the Apex Court in *Geeta Mehrotra (supra)*, is not applicable to the facts of the case.

6. Having heard the rival submissions made by learned counsel for the parties, this Court has carefully gone through the record of the case and from the perusal of the allegations made in the F.I.R. and the charge-sheet, clear, categorical and specific allegations have been made against the applicant nos.2 to 6 herein. Therefore, the judgement of the Apex Court in *Geeta Mehrotra (supra)* is not applicable in the facts of the present case.

7. In view thereof, the instant application is devoid of merits and is hereby **dismissed**.

Order Date :- 31.10.2023

Ashish Pd.