

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 13701 of 2022

Petitioner :- Rahul And 6 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Rakesh Kumar Tiwari

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Shri Rakesh Kumar Tiwari, learned counsel for the petitioners, Shri G.P. Singh, learned A.G.A. appearing for the State-respondents, and perused the record.

2. This writ petition has been filed praying to quash the impugned First Information Report dated 27.7.2022 registered as Case Crime No.22 of 2022, under Sections 498-A, 354, 323, 504, 506 IPC and 3/4 of D.P. Act, P.S. Mahila Thana Fatehgarh, District Farrukhabad.

3. Vide order dated 22.9.2022 the matter was referred to the mediation centre.

4. Perused the office report dated 26.8.2023 and the settlement agreement dated 14.2.2023 which indicates that matter has been peacefully settled between the parties and they have settled their differences on the terms mentioned in paragraph -7 of the settlement agreement dated 14.2.2023. The paragraph-7 is quoted as under:-

"7. In view of the Interim settlement Agreements dated 24.01.2023, the following settlement has been arrived at between the Parties hereto:-

a) That the parties have filed a petition u/s 13-B of Hindu Marriage Act before the Family Court, Farrukhabad at Fatehgarh which is registered as Case No. 89 of 2023. The parties stated that all the terms and conditions of the settlement has also been mentioned in aforesaid divorce petition, which forms a part of the settlement. The certified copy of the aforesaid divorce petition being annexed to this settlement- agreement for kind perusal of the Hon'ble Court.

b) That the parties stated that in paragraph 6(c) of the Interim Settlement dated 24.01.2023 the amount of permanent alimony

including Stridhan is mentioned as Rs. 30,000/- (Rupees Thirty Thousand only) in place of Rs. 60,000/- (Rupees Sixty Thousand only) as such the amount of permanent alimony shall be read as Rs. 60,000/- (Rupees Sixty Thousand only) which has already been paid to the wife by the husband and she acknowledges the receipt of the same.

c) That it has also been agreed between the parties that all civil and criminal cases filed c by them against each other regarding present matrimonial dispute shall be withdrawn by the parties concerned by taking appropriate steps before the Court/authority concerned.

d) That the parties will not file any fresh case against each other in respect of this matrimonial dispute. They have no claim against each other in future also.

e) That it has been agreed between the parties that they shall not violate the terms and conditions of this settlement otherwise the aggrieved party will be free to take legal recourse."

5. It is submitted that as between the parties compromise had already taken place, therefore, the impugned First Information Report dated 27.7.2022 registered as Case Crime No.22 of 2022, under Sections 498-A, 354, 323, 504, 506 IPC and 3/4 of D.P. Act, P.S. Mahila Thana Fatehgarh, District Farrukhabad is liable to be quashed.

6. Thus, in view of the well settled principles of law as laid down by the Hon'ble Apex Court reported in **2003(4) SCC 675 (B.S. Joshi Vs. State of Haryana)**, **J.T. 2008(9) SC 192 (Nikhil Merchant Vs. Central Bureau of investigation and another)**, **(2012) 10 SCC 303 (Gian Singh Vs. State of Punjab)**, **(2014) 9 SCC 653 (Yogendra Yadav and others Vs. State of Jharkhand)** and also **(2014) 6 SCC 466 (Narendra Singh Vs. State of Punjab)**, and in view of the settlement agreement dated 14.2.2023, the First Information Report dated 27.7.2022 registered as Case Crime No.22 of 2022, under Sections 498-A, 354, 323, 504, 506 IPC and 3/4 of D.P. Act, P.S. Mahila Thana Fatehgarh, District Farrukhabad is hereby quashed.

7. The present petition is, accordingly, allowed.

Order Date :- 3.11.2023

Anil K. Sharma