

Court No. - 92

Case :- APPLICATION U/S 482 No. - 30219 of 2023

Applicant :- Sachin Bisaani And 2 Others

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

Counsel for Applicant :- Abhishek Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Abhishek Gupta, learned counsel for the applicants, Sri Samsher Singh Yadav, learned counsel for opposite party no.2 and Sri Kamlesh Kumar Tripathi, learned AGA appearing for the State.

2. The instant application under Section 482 Cr.P.C. has been filed by the applicants seeking quashing of the cognizance/summoning order dated 29.07.2021 as well as the entire proceedings of Case No. 1778 of 2021 (State vs. Sachin Bisaani and others) arising out of Case Crime No. 17 of 2021, under Sections 498-A, 323, 504, 506, 406 IPC and 3/4 Dowry Prohibition Act, P.S. Mahila Thana, District Gautam Budh Nagar, pending before the Civil Judge (J.D.) F.T.C., Court-I, Gautam Budh Nagar.

3. Learned counsel for the applicants submits that earlier also an application under Section 482 No. 11429 of 2022 (Sachin Bisaani and 2 others vs. State of U.P. another) was filed by the applicants herein, which was dismissed on merit vide order dated 15.09.2022. Subsequently, after the settlement of all disputes with the interventions of well wishers of both the parties, a compromise between the parties was arrived at on 13.04.2023 whereby the parties agreed to withdraw all the proceedings against each other and the parties further agreed to file an application under Section 13-B of the Hindu Marriage Act to dissolve the marriage between the parties. In view of the said compromise, a joint application under Section 13-B of the Hindu Marriage Act for dissolution of marriage was filed by the parties on 18.04.2023. Therefore, the applicants herein approached for quashing of the entire proceedings of the aforesaid case by filing an application under Section 482 No. 19985 of 2023 (Sachin Bisaani and 2 others vs. State of U.P. and others), wherein this Court vide order dated 29.05.2023 directed the parties to appear before the Trial Court on 06.07.2023 and file a fresh compromise, which shall be verified by the concerned Trial Court in presence of the parties. With

the aforesaid directions, the said application was disposed of by this Court with liberty to the applicants to approach this Court after verification of compromise by the Trial Court. In terms of the said order, learned counsel for the parties submits that the parties appeared before the learned Trial Court and filed a fresh compromise dated 06.07.2023, which has been duly verified by the learned Trial Court vide order dated 06.07.2023. Therefore, after verification of the fresh compromise between the parties, the instant application has been filed by the applicants.

4. The factum of the compromise has not been disputed by learned counsel for opposite party no.2, who has put in appearance before this Court.

5. In view of the aforesaid facts and circumstances of the case as the entire dispute between the parties had arisen due to matrimonial discord between the applicant no.1 and the opposite party no.2, who are the husband and wife respectively and the parties have settled all their disputes and the first motion under Section 13-B of the Hindu Marriage Act has already been filed by the parties for dissolution of marriage by mutual consent before a competent court and all other proceedings have already been withdrawn by the parties concerned against each other.

6. In view of the aforesaid facts and in the light of the judgments of the Apex Court in *Narinder Singh & Ors. vs. State of Punjab*, (2014) 6 SCC 466 : *Prabathhai Aahir Alias Prabathhai 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 deserves to be allowed.

7. In view thereof, the instant application is accordingly **allowed** and the proceedings of Case No. 1778 of 2021 (State vs. Sachin Bisaani and others) arising out of Case Crime No. 17 of 2021, under Sections 498-A, 323, 504, 506, 406 IPC and 3/4 Dowry Prohibition Act, P.S. Mahila Thana, District Gautam Budh Nagar are hereby **quashed**.

Order Date :- 18.10.2023
Ashish Pd.