

Court No. - 88

Case :- APPLICATION U/S 482 No. - 24087 of 2021

Applicant :- Jagdev Singh And 7 Others

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

Counsel for Applicant :- Pavan Kumar Srivastava, Mool Chandra Maurya, Sanjay Srivastava, Santosh Kumar Pandey, Saurabh Tripathi, Sushil Kumar Dubey

Counsel for Opposite Party :- G.A., Ajay Sengar, Sunil Kumar Kushwaha

Hon'ble Sanjay Kumar Singh, J.

1. Heard learned counsel for the applicants, learned Additional Government Advocate for the State/opposite party No.1 and learned counsel for opposite party No. 2.

2. This application under Section 482 Cr.P.C. has been preferred by the applicants with a prayer to quash the cognizance/ summoning order dated 07.10.2021 passed by learned Additional Sessions Judge/ Special Judge (D.A.A.), Jalaun at Orai and proceedings of Complaint Case No. 79 of 2020, under Sections 452, 323, 506, 387 I.P.C., P.S. Madhhogarh, District Jalaun pending in the court of Additional Sessions Judge/ Special Judge (D.A.A.), Jalaun at Orai, on the basis of compromise between the parties concerned.

3. It is submitted by learned counsel for the applicants that the marriage of applicant no.8-Sonali Singh with Durjan Singh (son of the opposite party no.2-Jalim Singh) was solemnized on 29.07.2020 but on account of acrimonious relation between them, their marriage was not successful, and as a result thereof, applicant no.8-Sonali Singh lodged a first information report on 03.11.2020 under Sections 376, 354-A, 323, 506 498-A, 120-B I.P.C. and Sections 3/4 D.P. Act against her husband and his family members including opposite party no.2, in which allegation of offence under Section

376 of I.P.C. was found false and charge sheet has been submitted in other sections against them. Thereafter, opposite party no.2 in order to settle his personal score filed a complaint dated 10.12.2020 against the applicants, in which they have been summoned vide order dated 07.10.2021, which is the subject matter to challenge in the present application. It is also submitted that during the pendency of this application the parties concerned have settled their dispute outside the Court and a compromise application dated 19.05.2023 has been filed before the concerned trial Court below, copy whereof has been brought on record as Annexure no. 1 to the supplementary affidavit dated 16.07.2023.

4. On the strength of aforesaid facts it is submitted that on account of compromise arrived at between the parties concerned, all disputes between them have come to an end, therefore, aforesaid criminal proceeding against the applicants is liable to be quashed by this Court.

5. Learned Additional Government Advocate as well as learned counsel appearing on behalf of opposite party no.2 do not dispute the aforesaid facts. Learned counsel for opposite party no. 2 has also submitted at the Bar that since the parties concerned have settled their dispute as mentioned above, therefore, opposite party no.2 does not want to prosecute the applicants and has no objection in quashing the impugned criminal proceedings against the applicants.

6. After having heard the arguments of learned counsel for the parties, I find that after settlement arrived at between the parties in the present case, the chance of ultimate conviction is bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution against the applicants to continue, as the same would be futile exercise and a sheer wastage of precious time of the Court. The continuation of a criminal proceedings after compromise would cause oppression and prejudice to the parties concerned. If the parties concerned wants to bury the hatchet and are willing

to move on in a matrimonial dispute on the basis of compromise, they may be allowed to compound the offences in terms of settlement, because in such circumstances the proceedings can hardly be taken to their logical culmination and, the prospect of conviction gets lost.

7. Considering the facts and circumstances of the case in the light of dictum and guidelines laid down by the Apex Court in case of **B.S. Joshi and others Vs. State of Haryana and another** (2003) 1 SCC (Cri) 848 and **State of Madhya Pradesh Vs. Laxmi Narayan and others**, AIR 2019 SC 1296, this Court feels that this is a fit case, where this Court can exercise its inherent power to secure the ends of justice. In the case in hand interest of justice would be met, if the prayer of parties is acceded to and the criminal proceedings and other litigation between the parties are brought to an end.

8. In view of the above, the criminal proceedings against the applicants with regard to aforesaid case are hereby quashed.

9. In the conspectus of the aforesaid, this application under Section 482 Cr.P.C. is allowed in terms of compromise as mentioned above.

Order Date :- 11.12.2023

Anurag/-