

Court No. - 88

Case :- APPLICATION U/S 482 No. - 28190 of 2016

Applicant :- Ashwini Kaushal

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

Counsel for Applicant :- Krishna Dutt Mishra, Jagat Narain Mishra, Prem Shankar Kushwaha

Counsel for Opposite Party :- G.A., Ajay Singh, Ramesh Chandra Agrahari, Yadvesh Yadav

Hon'ble Vinod Diwakar, J.

1. Heard Shri K.D. Mishra, learned counsel for the applicant, Shri Ajay Singh, learned counsel for the opposite party no. 2, learned A.G.A. for the State and perused the entire record including the compromise verification report of the court concerned.

2. This application under Section 482 Cr.P.C. has been filed for quashing the entire proceedings of Criminal Case No. 34345 of 2016 titled as State v. Ashwani Kaushal arising out of Case Crime No. 113 of 2016, under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 of Dowry Prohibition Act, P.S. Chakeri, District Kanpur Nagar, pending in the Court of Chief Metropolitan Magistrate, Kanpur Nagar.

3. It is submitted by learned counsel for the applicant that applicant-Ashwani Kaushal had filed First Appeal No. 369 of 2022 titled as Ashwani Kaushal v. Smt. Mukta Singh, which was allowed by the Division Bench of this Court vide order dated 28.11.2023, in terms of compromise. It is submitted that in view of the aforesaid order dated 28.11.2023, the present application may also be allowed. Copy of order dated 28.11.2023 is annexed as Annexure No. 6 to the supplementary affidavit dated 02.12.2023.

4. Learned counsel for the opposite party no. 2 could not disputed the aforesaid facts.

5. I have considered the submissions made by the learned counsel for the parties and have gone through the order dated 28.11.2023 passed in First Appeal No. 369 of 2022.

6. Since the dispute between the parties has been amicably settled, no fruitful purpose would be served by permitting to continue the

criminal case pending before the trial court and it would simply a waste of judicial time as chances of conviction are very bleak and thus no fruitful purpose would be served.

7. In view of the above, the application under Section 482 Cr.P.C. is **allowed**.

8. The entire proceedings of Criminal Case No. 34345 of 2016 titled as State v. Ashwani Kaushal arising out of Case Crime No. 113 of 2016, under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 of Dowry Prohibition Act, P.S. Chakeri, District Kanpur Nagar, pending in the Court of Chief Metropolitan Magistrate, Kanpur Nagar, against the applicant, are hereby quashed.

Order Date :- 4.12.2023

Shafique