

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 12834 of 2023

Petitioner :- Kuldeep Kumar

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Arvind Kumar Mishra

Counsel for Respondent :- G.A., Arunesh Kumar Singh

Hon'ble Vivek Kumar Birla, J.

Hon'ble Vinod Diwakar, J.

1. Heard Sri Arvind Kumar Mishra, learned counsel for the petitioner, Sri Arunesh Kumar Singh, learned counsel appearing for the informant and Sri Vivek Dubey, learned State Law Officer appearing for the State respondents.

2. The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 22.7.2023 registered as Case Crime No. 592 of 2023, under Section 323, 352, 376, 511 IPC, PS Baghpat, District Baghpat and for a direction to the respondents not to arrest the petitioners in pursuance of impugned First Information Report.

3. Vide order dated 18.9.2023 the matter was referred to the mediation centre.

4. Perused the office report dated 16.10.2023 and the settlement agreement dated 3.10.2023 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 3.10.2023. The paragraph 7 is quoted as under:-

"7. The following settlement has been arrived at between the parties hereto:-

a) That Kuldeep Kumar (Petitioner-husband) and Anju (Respondent No.4-wife) appeared before the Centre and stated to the mediators that they have been living together as husband and wife in perfect harmony forgetting all previous disputes and differences and satisfied with this reunion and further they want to continue it for the rest of their lives also.

b) That the parties further undertake to discharge all matrimonial obligations towards each other in respectful manner and undertake not to commit any kind of cruelty against each other in any manner whatsoever.

c) That the parties undertake that they shall not take any such action which may hurt either of the party mentally or physically and shall try to satisfy each other by their activities.

d) That the husband undertakes to take care of his wife and children and provide all essential requirements and amenities to them in future.

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between the parties that all the cases filed by them against each other regarding present matrimonial dispute shall be withdrawn by the parties concerned by taking appropriate steps before the Court/authority concerned.

f) That it has also been agreed between the parties that they will not file any case/ complaint against each other regarding the present matrimonial dispute in future also.

g) 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 22.7.2023 registered as Case Crime No. 592 of 2023, under Section 323, 352, 376, 511 IPC, PS Baghpat, District Baghpat is liable to be quashed.

6. Additionally, Sri Vivek Dubey, learned State Law Officer pointed out that in the present case Final Report No. 295 of 2023 dated 29.9.2023 has already been submitted.

7. 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 3.10.2023, the impugned First Information Report dated 22.7.2023 registered as Case Crime No. 592 of 2023, under Section 323, 352, 376, 511 IPC, PS Baghpat, District Baghpat is hereby quashed.

8. The present petition is, accordingly, allowed.

Order Date :- 17.10.2023

Lalit Shukla