

Court No. - 92

Case :- APPLICATION U/S 482 No. - 18650 of 2017

Applicant :- Sachin And 3 Others

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

Counsel for Applicant :- Abhishe Pandey

Counsel for Opposite Party :- G.A.,Sushil Kumar Sharma

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Abhishek Pandey, learned counsel for the applicants, Sri Sushil Kumar Sharma, learned counsel for the opposite party no.2 and Sri Rajeev Kumar Singh, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking quashing the entire proceedings in Case No. 2577 of 2016 (Smt. Neelam vs. Sachin and ors.) u/S 498-A, 323, 504, 506 I.P.C., P.S.- Deoband, District- Saharanpur, pending in the court of Additional Civil Judge (Junior Division)/ Judicial Magistrate, Deoband, District- Saharanpur.

3. Learned counsel for the applicants submits that an ex-parte decree of divorce was already granted in favour of the applicant no.1 and against the opposite party no.2, vide order dated 28.03.2016, by the Principal Judge, Family Court, Saharanpur. Subsequently, the parties have entered into a compromise and the said compromise has already been placed on record before the trial court concerned and before the trial court the both parties have admitted the compromise which is reflected in the order dated 14.10.2020, passed by the Additional Chief Judicial Magistrate, Deoband, Saharanpur, in complaint Case No. 2577 of 2016 (Smt Neelam vs. Sachin and Ors.). The compromise application has been filed on 16.09.2021 before this Court while the applicants alongwith the certified copy of the compromise dated 14.10.2020 between the parties, the opposite party no.2 has filed a short counter affidavit dated 15.09.2021, admitting the compromise between them and they had appeared before the trial court alongwith the compromise. However, the proceedings could not be closed due to the involvement of offence u/S 498A I.P.C., which is not compoundable offence. Therefore, both the learned counsels for the applicants well as for the opposite party no.2 jointly pray for quashing of the entire proceedings against the applicants in view of the settlement between the parties outside the court.

4. Learned A.G.A. has no objection to the quashing of the proceedings on the basis of compromise between the parties.

5. Having heard the submissions made by learned counsels for the parties, this Court has carefully perused the record of the case and from the record of the case it is apparent that an ex-parte decree was passed against the opposite party no.2 on 28.03.2016, which has not been challenged by the opposite party no.2 till date. The aforesaid fact is admitted by learned counsel for the opposite party no.2. Subsequently, thereto, the parties have entered into a settlement and a compromise deed was executed, which has been placed before the trial court and trial court in presence of the parties has verified the said compromise, however, could not close the proceedings due to the involvement of non-compoundable offence. Since, it was a matrimonial dispute between the parties which has already been settled, therefore, no fruitful purpose will be served by keeping this case pending against the applicants and due to the settlement the peace will prevail between the parties and it is further alleged that the parties have already remarried with some other persons and are now settled in their life.

6. In view thereof and in the light of the judgements of the Apex Court in ***Gian Singh vs. State of Punjab and Another : (2012) 10 SCC 303; Prabatbhai Aahir Alias Prabatbhai Bhimsinghbhai Karmur and others vs. State of Gujarat and Another : (2017) 9 SCC 641; Narinder Singh & Ors. vs. State of Punjab : (2014) 6 SCC 466 and B.S.Joshi and Other vs. State of Haryana and Another : (2003)4 SCC 67***, the instant application is ***allowed*** and the entire proceedings in Case No. 2577 of 2016 (Smt. Neelam vs. Sachin and ors.) u/S 498-A, 323, 504, 506 I.P.C., P.S.- Deoband, District- Saharanpur, pending in the court of Additional Civil Judge (Junior Division)/ Judicial Magistrate, Deoband, District- Saharanpur, are hereby **quashed**.

Order Date :- 23.11.2023

Shubham Arya