

Court No. - 87

Case :- APPLICATION U/S 482 No. - 30642 of 2023

Applicant :- Parvej And Another

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Yogendra Pal Singh

Counsel for Opposite Party :- G.A.,Arvind Mishra,Kuldeep Singh

Hon'ble Neeraj Tiwari,J.

1. Sri Rahul Singh Tomar, Advocate, holding brief of Sri Arvind Mishra, learned counsel for the opposite party Nos. 2 & 3 has filed short counter affidavit, which is taken on record.

2. Heard learned counsel for the applicants, learned A.G.A. for the State and Sri Rahul Singh Tomar, Advocate, holding brief of Sri Arvind Mishra, learned counsel for the opposite party Nos. 2 & 3.

3. The present 482 Cr.P.C. application has been filed to quash the the summoning order dated 18.11.2022 passed in Case No. 62 of 2023 (State Vs. Parvej and others), arising out of case crime no. 10 of 2021, under Section 498A, 323 IPC, Section 3/4 Muslim Marriage Act and Section 3/4 Dowry Prohibition Act, Police Station-Rohta, Distruct-Meerut, pending before Additional Sessions Judge (J.D.), Court No. 4, Meerut on the basis of compromise.

4. Learned counsel for the applicants submitted that present case is arising out of matrimonial dispute. He next submitted that now parties have entered into compromise dated 04.08.2023 which has also been annexed as Annexure 3 to present application. He next submitted that out of compromise entered between the parties, they have decided to live together. He next submitted that this fact has also not been disputed in the short counter affidavit filed today. He next submitted that in light of compromise entered between the parties, criminal proceedings against the applicants may be quashed.

5. Sri Rahul Singh Tomar, Advocate, holding brief of Sri Arvind Mishra, learned counsel for the opposite party Nos. 2 & 3 has supported the case of the applicants and submitted that in case proceedings against the applicants is quashed, she would have no

objection.

6. In view of the facts and circumstances of the case, the applicants and opposite party Nos. 2 & 3 do not want to pursue the case any further as stated by them. The matter has been mutually settled between the parties, therefore, no useful purpose would be served in proceeding with the matter further.

7. Thus in view of the well settled principle of law as laid down by the Hon'ble Apex Court in the matters of ***Krishnappa & Ors. vs. State of Karnataka; 2021 0 Supreme(SC) 529, Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors. vs. State of Gujarat and another; 2017 9 SCC 641, B.S. Joshi Vs. State of Haryana; 2003(4) SCC 675, Nikhil Merchant Vs. Central Bureau of Investigation and another; (2008) 9 Supreme Court Cases 677, Gian Singh Vs. State of Punjab; (2012) 10 SCC 303 and Narinder Singh & others Vs. State of Punjab and another; (2014) Supreme Today 642***, the proceedings of the aforesaid case is hereby quashed.

8. The present application is, accordingly allowed.

9. No order as to costs.

Order Date :- 16.11.2023

ADY