

Court No. - 86

Case :- APPLICATION U/S 482 No. - 32621 of 2023

Applicant :- Rahul Kumar And 2 Others

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

Counsel for Applicant :- Shikhar Tandon

Counsel for Opposite Party :- G.A.,Lal Dev

Hon'ble Rajiv Gupta,J.

Order on Amendment Application.

1. Learned counsel for the applicants has filed amendment application today in Court, which is taken on record.
2. Office is directed to allot the number to the said amendment application.
3. Amendment application stands allowed.
4. Learned counsel for the applicants is permitted to make necessary amendment in the cause title of this application, during the course of the day.

Order on Application U/s 482 CrPC.

5. Learned counsel for the opposite party no.2 has filed personal affidavit of opposite party no.2 today in Court, which is also taken on record.
6. Heard learned counsel for the applicants, learned AGA for the State, Shri Laldev Chaurasia, learned counsel for the opposite party no. 2 and perused the record.
7. Learned counsel for the applicants has submitted that opposite party no.2 is the wife of applicant no.1 and on account of matrimonial discord, the instant criminal case was instituted against the applicants, however subsequently, with the intervention of respected members of both the family and the society, the parties have amicably and genuinely settled their all disputes and differences and have decided to live separately and now, they do not have any grievance against each other.
8. Learned counsel for the applicants has next drawn the attention of the Court to the settlement agreement dated 19.09.2023 drawn between the parties, a copy of which has been annexed as SA-1 to the supplementary affidavit.
9. Learned counsel for the applicants has next submitted

that as per the said settlement agreement, the applicant had agreed to pay a sum of Rs.10,00,000/- to opposite party no.2 in lieu of all her claims and dues. Out of which, Rs.5,00,000/- has already been paid to her and balance amount of Rs.5,00,000/- shall be paid to her at the time of final disposal of the petition filed under Section 13-B of this Hindu Marriage Act.

10. Learned counsel for the applicants has next submitted that in view of the said settlement agreement, the entire proceedings be quashed.

11. Learned counsel for the opposite party no.2 has also appeared and has filed personal affidavit of opposite party no.2 and in para 3, the said settlement agreement has been acknowledged. Further in para 5, it has been stated that a permanent alimony of Rs.10,00,000/- is agreed to be paid by the applicant no.1 to opposite party no.2 in lieu of all her claims and dues. Out of which, Rs.5,00,000/- has already received by her and balance amount of Rs.5,00,000/- shall be received by her at the time of final disposal of the petition filed under Section 13-B of this Hindu Marriage Act.

12. Learned counsel for the opposite party no.2 has further stated, on instructions, that opposite party no.2 does not want to further pursue the criminal proceedings against the applicants and she has no objection, if the entire proceedings are quashed.

13. Learned AGA could not dispute the aforesaid facts.

14. This Court is not unmindful of the judgements of the Hon'ble Apex Court in the cases of:-

(i). B.S. Joshi and others Vs. State of Haryana and another, (2003) 4 SCC 675.

(ii). Nikhil Merchant Vs. Central Bureau of Investigation, (2008) 9 SCC 677.

(iii). Manoj Sharma Vs. State and others, (2008) 16 SCC 1.

(iv). Gian Singh Vs. State of Punjab, (2012) 10 SCC 303.

(v). Narindra Singh and others Vs. State of Punjab, (2014) 6 SCC 466.

15. Wherein Hon'ble Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non-compoundable offences. Reference may also be made to the decision given

by this Court in ***Shaifullah and others Vs. State of U.P. and another [2013 (83) ACC 278]***, in which, law expounded by Hon'ble Apex Court in the aforesaid cases has been explained in detail.

16. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by learned counsel for the parties, this Court is of the considered opinion that no useful purpose would be served by prolonging the proceedings of the present case.

17. Accordingly, the entire proceedings of Case No. 77 of 2021 (State Vs. Rahul and Others), arising out of Case Crime No. 237 of 2020, under Sections 498-A, 323, 504, 506 IPC and Section 3/4 of D.P. Act, Police Station Mahila Thana, District Ghaziabad, pending in the court of Fast Track Court-I (Crimes Against Women), Ghaziabad, are hereby quashed.

18. This application under Section 482 CrPC is accordingly **allowed.**

Order Date :- 16.10.2023

Nadim