

Court No. - 89

Case :- APPLICATION U/S 482 No. - 31533 of 2023

Applicant :- Yogesh And 2 Others

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

Counsel for Applicant :- Rakesh Kumar Rathore, Sanjeev Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma, J.

1. Heard learned counsel for the applicants, learned A.G.A for the State and perused the record.

2. This application under Section 482 Cr.P.C. has been filed to quash the charge-sheet dated 10.01.2023, cognizance/summoning order dated 03.02.2023 as well as entire proceedings of Criminal Case No.571 of 2023 arising out of Case Crime No.318 of 2022 (State vs. Yogesh and others), under sections 498A, 323 I.P.C. & 3/4 Dowry Prohibition Act, Police Station Bewar, District Mainpuri, pending in the court of Chief Judicial Magistrate, Mainpuri.

3. By order dated 06.09.2023, matter was referred to Mediation & Conciliation Centre, High Court, Allahabad and parties appeared before Mediation & Conciliation Centre and mediation completed and parties resolved their dispute before Mediation & Conciliation Centre. Report of Mediation & Conciliation Centre dated 05.09.2023 is present on record. Some part of report of the Mediation & Conciliation Centre dated 05.09.2023 is being quoted below:-

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

a) That Yogesh (Applicant no.1-Husband) and Anita (O.P.No.2-Wife) have **decided to reunite and live together as husband and wife** in perfect harmony forgetting all previous disputes and differences and they undertake to discharge all matrimonial obligations towards each other in respectful manner.

b) That it has been agreed between the parties that the applicant-husband will arrange a rented accommodation in Yadav nagar, District- Mainpuri on/or before 11.09.2023 and will visit his in-laws'house to bring back his wife alongwith daughter on 13.09.2023 and live together as husband and wife alongwith their

daughter.

c) That it has also agreed between the parties that the applicant no.1-husband shall take his admission in D.Pharma and also get admission of his wife in ANM.

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

e) That the parents or any family member of both the parties will not interfere in the married life of husband and wife.

f) That the husband and wife 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.

g) That it has been agreed between the parties that they will live together as husband and wife on the basis of interim settlement/agreement and work towards an everlasting reunion.

h) That it has further been agreed between the parties that they shall appear again before the Mediation Centre and to share their experiences while living together as husband and wife on 03.10.2023.

i) That it has also been agreed between the parties that all the cases filed by them against each other shall remain in abeyance during this intervening period....."

4. Parties have resolved their differences and amicably settled their dispute through Mediation & Conciliation Centre. Learned counsel for the applicants next submits that in view of Mediation & Conciliation Centre report, proceeding pending against the applicants should be quashed. Learned counsel for the applicants next submits that applicant no.1(husband) and opposite party no.2 (wife) are living together.

5. Considering the argument raised by learned counsel for the applicants and in view of Mediation & Conciliation Centre report dated 05.09.2023, it is a fit case to be interfered, hence, entire proceeding in Criminal Case No.571 of 2023 arising out of Case Crime No.318 of 2022 (State vs. Yogesh and others), under sections 498A, 323 I.P.C. & 3/4 Dowry Prohibition Act, Police Station Bewar, District Mainpuri, pending in the court of Chief Judicial Magistrate, Mainpuri are hereby set aside and quashed.

The application u/s 482 Cr.P.C. is **allowed**.

Order Date :- 14.12.2023

SKD