

Court No. - 88

Case :- APPLICATION U/S 482 No. - 32042 of 2023

Applicant :- Dr. Gandharv Goyal And 2 Others

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

Counsel for Applicant :- Vinayak Mithal

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

Heard learned counsel for the applicants, learned Additional Government Advocate for the State of U.P./opposite party No.1, learned counsel for opposite party No. 2 and perused the record.

This application under Section 482 Cr.P.C. has been filed by the applicants to quash the charge sheet dated 29.07.2021, summoning order dated 28.06.2022 and entire proceedings of Criminal Case No. 252 of 2022 (State of U.P. Vs. Dr. Gandharv Goyal and others) arising out of Case Crime No. 107 of 2020, under Sections 498-A, 323, 506 I.P.C. and Section 3/4 Dowry Prohibition Act, Police Station Mahila Thana, District Gautam Buddh Nagar pending in the Court of learned Civil Judge (J.D.)/F.T.C. Court No. 2, Gautam Buddh Nagar on the basis of compromise between the parties concerned.

Brief facts of the case as argued by learned counsel for the applicants are that the applicants are husband, brother-in-law and mother-in-law of opposite party no. 2. Marriage of applicant no.1 was solemnized on 02.12.2019 with the opposite party no. 2 but their marriage was not successful, as a result thereof, on account of acrimonious relation, the opposite party no. 2 lodged the impugned FIR on 05.10.2020. Investigating Officer after investigation submitted charge-sheet, on which the Magistrate concerned took cognizance. After submission of charge-sheet, the parties concerned entered into a compromise outside the Court and memorandum of settlement dated 18.04.2023 has been prepared and filed before the concerned Court below on 09.05.2023.

Vide order of this Court dated 19.09.2023, the Court concerned was directed that if any such compromise has already been filed before it, it shall issue notices to all the signatories to the compromise requiring their personal presence and, thereafter, proceed to verify the compromise. If the aforesaid compromise is verified, a report to that effect shall be prepared by the court and the compromise will be made part of the record.

Pursuant to the aforesaid order dated 19.09.2023, the parties concerned have appeared before the Civil Judge (Junior Division) F.T.C.-II (Crime Against Women), Gautam Buddh Nagar on 31.10.2023 for verification of compromise deed, which has been verified and order dated 31.10.2023 has been passed by the concerned Court below in this regard. The said verification report dated 31.10.2023 has been sent by the concerned Court below to this Court, which is on record.

It is submitted by learned counsel for the applicants that on account of compromise arrived at between the parties concerned, all disputes between them have come to an end, therefore, aforesaid criminal proceeding against the applicants is liable to be quashed by this Court.

Learned Additional Government Advocate and learned counsel appearing on behalf of opposite party no.2 do not dispute the aforesaid facts. Learned counsel for opposite party no. 2 has also submitted at the Bar that since the parties concerned have settled their dispute as mentioned above, therefore, opposite party no.2 does not want to prosecute the applicants and has no objection in quashing the impugned criminal proceedings against the applicants.

After having heard the arguments of learned counsel for the parties, I find that after settlement arrived at between the parties in the present case, the chance of ultimate conviction is bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution against the applicants to

continue, as the same would be futile exercise and a sheer wastage of precious time of the Court. The continuation of a criminal proceedings after compromise would cause oppression and prejudice to the parties concerned. If the parties concerned wants to bury the hatchet and are willing to move on in a matrimonial dispute on the basis of compromise, they may be allowed to compound the offences in terms of settlement, because in such circumstances the proceedings can hardly be taken to their logical culmination and, the prospect of conviction gets lost.

Considering the facts and circumstances of the case in the light of dictum and guidelines laid down by the Apex Court in the cases of **B.S. Joshi and others Vs. State of Haryana and another, (2003) 1 SCC (Cri) 848** and **State of Madhya Pradesh Vs. Laxmi Narayan and others, AIR 2019 SC 1296**, this Court feels that this is a fit case, where this Court can exercise its inherent power to secure the ends of justice. In the case in hand interest of justice would be met, if the prayer of parties is acceded to and the criminal proceedings and other litigation between the parties are brought to an end.

In view of the above, impugned charge-sheet dated 29.07.2021, summoning order dated 28.06.2022 and proceedings of Criminal Case No. 252 of 2022 (State of U.P. Vs. Dr. Gandharv Goyal and others) arising out of Case Crime No. 107 of 2020, under Sections 498-A, 323, 506 I.P.C. and Section 3/4 Dowry Prohibition Act, Police Station Mahila Thana, District Gautam Buddh Nagar pending in the Court of learned Civil Judge (J.D.)/F.T.C. Court No. 2, Gautam Buddh Nagar against the applicants are hereby quashed.

In the conspectus of the aforesaid, this application under Section 482 Cr.P.C. is **allowed** in terms of compromise as mentioned above.

Order Date :- 17.11.2023
Shubham