

Court No. - 50

Case :- CRIMINAL REVISION No. - 3478 of 2014

Revisionist :- Smt. Geeta Devi And 3 Others

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

Counsel for Revisionist :- Sunil Singh, Ajay Kumar, Alok Kumar Singh, Ram Suphal Shukla, Shivam Singh

Counsel for Opposite Party :- Govt. Advocate, Awadhesh Kumar Mishra

Hon'ble Ram Manohar Narayan Mishra, J.

Heard learned counsel for the revisionists as well as learned counsel for the opposite party No.2 and perused the material placed on record.

A compromise entered between the informant/aggrieved and the accused persons, verified by learned Chief Judicial Magistrate, Ghaziabad vide order dated 14.8.2023 has been filed before this court as Annexure No.1 to the second supplementary affidavit on today, which is taken on record.

Instant criminal revision has been preferred against judgment and order dated 9.10.2014 passed by learned Chief Judicial Magistrate, Ghaziabad in Case Crime No.75 of 2012, under Sections 452, 380, 323 IPC, Police Station Kavi Nagar, District Ghaziabad, whereby the discharge application moved by the revisionists/accused persons has been dismissed.

During pendency of present revision, a compromise has been entered between the informant, victim and accused persons. An FIR was lodged by Dinesh Kumar Kanojia, on 30.10.2011 against present revisionists, who are his parents-in-law, brother-in-law, maternal uncle of his wife with averment that on 21.1.2012, the accused persons visited his place in New Delhi and forcefully tried to take away his wife and son, aged around 1 and half years, when he and his mother Rajo objected to this, the accused persons engaged in maar-peet with him and his mother, in which he suffered injuries. The accused persons took away his wife and son. The FIR was lodged under Sections 452, 380, 323 IPC. The police submitted chargesheet after investigation against named accused persons under Sections 452, 380, 323 IPC. The accused persons moved an application for discharge, which was rejected by learned trial court in impugned order.

Out of penal sections involved in the case, Section 323 IPC is compoundable and remaining sections are non compoundable. However, offence is maximum punishable with seven years imprisonment, the bone of contention between the informant and accused persons is matrimonial dispute and the parties are close relatives, no useful purpose of law appears to be served while keeping the matter pending before the court below and wait for its logical conclusion after a protracted trial. The compromise has been verified by the trial court in presence of the aggrieved/informant. Thus, the compromise is accepted and the present revision is **allowed** in terms of the compromise entered between the contesting parties.

The accused revisionists stands discharged in terms of the compromise and the proceeding of trial court are hereby quashed.

Accordingly, present revision stands disposed of.

Order Date :- 12.10.2023

Kamarjahan