

Court No. - 88

Case :- APPLICATION U/S 482 No. - 32313 of 2023

Applicant :- Avaneesh @ Toni And 4 Others

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

Counsel for Applicant :- Anand Kumar Tiwari

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 and perused the record.

This application under Section 482 Cr.P.C. has been filed by the applicants to quash the charge-sheet dated 11.08.2021, cognizance order dated 12.05.2022 and proceedings of Case No. 10455 of 2022 (State Vs. Avaneesh @ Toni and others) arising out of Case Crime No. 190 of 2021, under Sections 498A, 354 IPC and Section 3/4 Dowry Prohibition Act, Police Station New Agra, District Agra pending in the court of Chief Judicial Magistrate, Agra.

It is submitted by learned counsel for the applicants that applicant no. 1 is husband of opposite party no. 2 and rest of the applicants are family members of the applicant no. 1. Marriage of applicant no.1 was solemnized on 11.05.2018 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 F.I.R. on 03.07.2021 against the applicants for the offence under Sections 498A, 307, 354 IPC. Investigating Officer after investigation submitted charge-sheet on 11.08.2021 under Sections 498A, 354 IPC and Section 3/4 Dowry Prohibition Act, on which the Magistrate concerned took cognizance. Thereafter, the parties concerned have settled their dispute outside the Court and a petition under Section 13B of Hindu Marriage Act has been filed on 17.02.2023 before the concerned Family Court, which is still pending. It is also submitted that a compromise application dated 30.10.2023 has been filed before

the concerned court below, where criminal proceeding against the applicants is pending. Said compromise application has been brought on record as Annexure No. SA-1 to the affidavit dated 31.10.2023.

Whether the parties have, in fact, compromised the matter or not, can best be ascertained by the Court below, as such said compromise has to be duly verified in presence of the parties concerned before the Court.

Accordingly, this application is ***disposed of*** with a direction to the court concerned 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. The court in that scenario will allow the parties to obtain certified copy of the report as well as compromise and it will be open to the applicants to approach this Court again for quashing of the proceedings.

Till verification of compromise between the parties by the court concerned, no coercive action shall be taken against the applicants in the aforesaid case.

Order Date :- 7.11.2023
Shubham