

Court No. - 86

Case :- APPLICATION U/S 482 No. - 34067 of 2018

Applicant :- Priyanshu Mishra And 3 Ors

Opposite Party :- State Of U.P. And Anr

Counsel for Applicant :- Sudhir Dixit, Avneesh Tripathi, Sunil Kumar Pandey, Utkarsh Dixit

Counsel for Opposite Party :- G.A., Sushil Dubey

Hon'ble Rajiv Gupta, J.

1. Heard learned counsel for the applicants, learned AGA for the State and perused the record, however, learned counsel for the opposite party no.2 has not appeared.

2. Learned counsel for the applicants has submitted that applicant no.1 is the husband, applicant nos.2 & 3 are the parents-in-law and applicant no.4 is the brother-in-law of opposite party no.2 and on account of matrimonial discord, the instant criminal case was instituted against the applicants.

3. Learned counsel for the applicants has next submitted that applicant no.1 had also lodged a criminal case against opposite party no.2 and two others, which was registered vide Case Crime No.493 of 2017, under Sections 406, 506 IPC, the proceedings of which was challenged before this Court in Application U/s 482 No.18017 of 2019 (Arjoo Mishra and 2 Others Vs. State of U.P. and Another) and this Court vide order dated 04.03.2022 had referred the matter to the Mediation and Conciliation Centre of this Court in order to enable them to settle the dispute between the parties through mediation.

4. Pursuant to the said order dated 04.03.2022, the parties appeared before the Mediation and Conciliation Centre of this Court and with the help of the Mediators, a settlement agreement dated 27.05.2022 was drawn between the parties, a copy of which has been annexed as Annexure 4 to the Recall Application supported by an affidavit. While making the said settlement agreement, both the parties had agreed that all the criminal and civil cases filed by them against each other regarding present matrimonial dispute

shall be withdrawn by the parties concerned by taking appropriate steps before the court concerned.

5. Learned counsel for the applicants has next submitted that in terms of the said settlement agreement, it was agreed that applicant no.1 shall pay a sum of Rs.51,00,000/- to the opposite party no.2 in lieu of all her claims and dues, which the applicant no.1 has already paid to her and now, nothing remains to be paid.

6. Learned counsel for the applicants has next submitted that in view of the said settlement agreement drawn between the parties and in order to maintain harmonious and cordial relations between them, the entire proceedings be quashed.

7. Learned AGA could not dispute the aforesaid facts.

8. 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.

9. 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.

10. 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.

11. Accordingly, the entire proceedings of Complaint Case No. 06 of 2018 (Smt. Aarju Mishra Vs. Priyanshu and 5 Others), under Sections 498-A, 504, 506, 406 IPC and Section 4 of Dowry Prohibition Act, Police Station Bewar, District Mainpuri, pending in the court of Chief Judicial Magistrate, Mainpuri, are hereby quashed.

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

Order Date :- 14.12.2023

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