

Court No. - 88

Case :- APPLICATION U/S 482 No. - 32498 of 2023

Applicant :- Jahrun Nisha

Opposite Party :- State Of U.P. And 4 Others

Counsel for Applicant :- Maohammad Nadeem

Counsel for Opposite Party :- G.A.,Ajay Kumar Yadav

Hon'ble Sanjay Kumar Singh,J.

1-Heard learned counsel for the applicant, learned Additional Government Advocate for the State of U.P./opposite party no. 1 and Mr. Ajay Kumar Yadav, learned counsel appearing on behalf of opposite party nos. 2 to 5.

2-The instant application under Section 482 Cr.P.C. has been preferred by the applicant with a prayer to quash the order dated 02.08.2023 passed by learned Special Judge (DAA)/SC/ST Act, Kannauj in Misc. Application No. M/406/12/2023 (*Jahrunnisha vs. Mohd. Irshad and others*).

3-The applicant is informant/complainant in this case who has moved an application under Section 156(3) dated 25.07.2023 seeking direction to lodge a first information report against opposite party nos. 2 to 5, namely, Mohd. Irshad, Mohd. Israr, Mohd. Ekhlaw and Mohd. Arif which was allowed vide order dated 02.08.2023 directing the concerned Station House Officer to lodge an F.I.R. in the matter. The opposite party nos. 2 and 3 are brothers-in-law of daughter of the applicant and the opposite party nos. 4 and 5 are nephew and brother-in-law of the opposite party no. 2. It is next submitted that on account of matrimonial dispute between the daughter of applicant and brother of opposite party no. 2, applicant had moved the aforesaid application dated 25.07.2023 against them but they have settled their dispute and a compromise deed has been executed between them on 09.08.2023, therefore, the applicant does not want to prosecute the opposite party nos. 2 to 5. It is also pointed out that till date, the said order dated 02.08.2023 has not been given effect as no first information report has yet been lodged against opposite party nos. 2 to 5.

4-Learned counsel appearing on behalf of opposite party nos. 2 to 5 have no objection to such prayer of the applicant.

5-Learned A.G.A. submits that since the parties concerned have settled their dispute, therefore, he has also no objection in case the prayer of the applicant is allowed.

6-In view of the above, the impugned order dated 02.08.2023 is hereby quashed and the instant application under Section 482 Cr.P.C. stands ***allowed.***

Order Date :- 8.11.2023

Saurabh