

Court No. - 87

Case :- APPLICATION U/S 482 No. - 26484 of 2021

Applicant :- Dhananjay Upadhyay And 5 Others

Opposite Party :- State Of U.P And Another

Counsel for Applicant :- Gyanendra Prasad Mahant

Counsel for Opposite Party :- G.A.,Sudhir Kumar Upadhyay

Hon'ble Neeraj Tiwari,J.

1. Sri Gyanendra Prasad Mahant, learned counsel for the applicants has filed supplementary affidavit before the Court, which is taken on record.

2. Heard Sri Gyanendra Prasad Mahant learned counsel for the applicants, Sri Anil Kumar, advocate holding brief of Sri Sudhir Kumar Upadhyay, learned counsel for the opposite party no. 2 and learned A.G.A. for the State.

3. The present application under section 482 Cr.P.C. has been filed for quashing the charge sheet dated 3.9.2021 as well as entire criminal proceeding of Criminal Case No. 11468 of 2021 (State vs. Dhananjay Upadhyay and others) arising out of Case Crime No. 66 of 2021, under Section 323, 504, 506, 498A IPC and 3/4 D.P. Act, Police Station- Revatipur, District- Ghazipur, pending in the Court of Judicial Magistrate-I, Ghazipur.

4. Learned counsel for the applicants submitted that the present matter is arising out of matrimonial dispute and now applicant no. 1 (husband) and opposite no. 2 (wife) have entered into compromise on 27.02.2023 and decided to live together. It is lastly submitted that in light of compromise deed dated 27.02.2023, present proceeding may be quashed.

5. Sri Anil Kumar, advocate holding brief of Sri Sudhir Kumar Upadhyay, learned counsel for the opposite party no.2 has not objected the aforesaid fact and submitted that in case proceedings is quashed, he would have no objection.

6. In view of above, the applicants and opposite party no. 2 do not want to pursue the case any further as stated by them. The matter has been mutually settled between the parties, therefore, no useful purpose would be served in proceeding with the matter further.

7. Thus in view of the well settled principle of law as laid down by the Hon'ble Apex Court in the matters of **Krishnappa & Ors. vs. State of Karnataka; 2021 0 Supreme(SC) 529, Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors. vs. State of Gujarat and another; 2017 9 SCC 641, B.S. Joshi Vs. State of Haryana; 2003(4) SCC 675, Nikhil Merchant Vs. Central Burea of Investigation and another; (2008) 9 Supreme Court Cases 677, Gian Singh Vs. Stated of Punjab; (2012) 10 SCC 303 and Narinder Singh & others Vs. State of Punjab and another; (2014) Supreme Today 642**, the proceedings of the aforesaid case is hereby quashed.

8. The present application is, accordingly **allowed**. No order as to costs.

Order Date :- 16.11.2023

Brijesh