

Court No. - 92

Case :- APPLICATION U/S 482 No. - 50125 of 2014

Applicant :- Kapil Dubey And 2 Ors.

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

Counsel for Applicant :- Rajesh Kumar Singh, Jai Raj

Counsel for Opposite Party :- Govt. Advocate, Deepak Dubey, Jitendra Kumar Shukla

Hon'ble Anish Kumar Gupta, J.

1. Supplementary affidavit filed today in Court by learned counsel for the applicants, is taken on record.

2. Heard Sri Jai Raj, learned counsel for the applicants and Sri Prem Prakash Tiwari, learned A.G.A. for the State.

3. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of the entire criminal proceedings in Complaint Case No. 1432 of 2013 (Smt. Vibha @ Pinki vs. Kapil Dubey and Others) u/S 406, P.S.- New Agra, District-Agra, pending in the court of learned Additional Chief Judicial Magistrate, Court No. 10, Agra .

4. Learned counsel for the applicants submits that this was a matrimonial dispute between the parties, which has been duly settled vide compromise dated 03.09.2022 and in pursuance of the said compromise between the parties, the parties have filed the application u/S 13-B of Hindu Marriage Act, on 13.02.2023, which has also been decreed on 28.08.2023 by the Principal Judge, Family Court, Agra and the marriage between the applicant no.1 and opposite party no.2 has already been dissolved by way of mutual consent of the parties and in the said compromise dated 03.09.2022, parties have settled all their disputes and the entire amount of settlement of Rs. 9,00,000/- has already been paid to the opposite party no.2 in full and final settlement of all her claims. In the instant case, the allegation against the applicants was that they have misappropriated the *streedhan* and other articles of the opposite party no.2. In view of the settlement and the payment of Rs. 9,00,000/- by way of demand draft to the opposite party no.2, all her claims regarding *streedhan* and articles have already been settled.

5. In view thereof, nothing survives in the instant petition to be claimed by the opposite party no.2. Therefore, learned counsel for the applicants has prayed for quashing of the entire

proceedings against the applicants herein, in view of the compromise between the parties.

6. In view of the compromise between the parties, learned A.G.A for State do not dispute the factum of compromise between the parties and consequently, he has no objection in quashing of the proceedings of this case on the basis of compromise between the parties.

7. Therefore, having heard submissions made by learned counsels for the parties, this Court has carefully gone through the record of the case. From the record, it is apparent that this was a matrimonial dispute between the parties, which as per the compromise dated 03.09.2022, has been settled between the parties and the petition u/S 13-B of Hindu Marriage Act, was filed which has already been decreed and the entire amount agreed between the parties has already been paid to the opposite party no.2, against all her claims. Therefore, in the considered opinion of this Court, nothing survives in the matter.

8. In view thereof and in the light of the judgements of the Apex Court in *Gian Singh vs. State of Punjab and Another : (2012) 10 SCC 303*; *Prabathbai Aahir Alias Prabathbai Bhimsinghbhai Karmur and others vs. State of Gujarat and Another : (2017) 9 SCC 641*; *Narinder Singh & Ors. vs. State of Punjab : (2014) 6 SCC 466* and *B.S.Joshi and Other vs. State of Haryana and Another : (2003)4 SCC 67*, the instant application is **allowed** and the entire criminal proceedings in Complaint Case No. 1432 of 2013 (Smt. Vibha @ Pinki vs. Kapil Dubey and Others) u/S 406, P.S.- New Agra, District-Agra, pending in the court of learned Additional Chief Judicial Magistrate, Court No. 10, Agra, are hereby **quashed**.

Order Date :- 30.11.2023
Shubham Arya