

Court No. - 86

Case :- APPLICATION U/S 482 No. - 33279 of 2023

Applicant :- Rajesh Baghela

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

Counsel for Applicant :- Rajesh Kumar Srivastava, Gaurav Srivastav

Counsel for Opposite Party :- G.A., Seemi Siddiqui

Hon'ble Rajiv Gupta, J.

1. Supplementary affidavit, filed by counsel for the applicant and an affidavit, filed by counsel for the opposite party no.2 today in Court, are taken on record.

2. Heard learned counsel for the applicant, learned AGA for the State, Ms. Seemi Siddiqui, learned counsel for the opposite party no.2 and perused the record.

3. Learned counsel for the applicants has submitted that applicant is the husband of opposite party no.2 and on account of matrimonial discord, the instant criminal case was instituted against the applicant, however subsequently, with the intervention of respected members of both the family and the society, the parties have amicably and genuinely settled their all disputes and now, they do not have any grievance against each other.

4. Learned counsel for the applicants has next drawn the attention of the Court to the para 3 of the supplementary affidavit, in which, it has been stated that compromise has been made between the parties. Pursuant to the said compromise, the applicant has deposited a demand draft no.109376 dated 30.05.2023 in the name of opposite party no.2 for an amount of Rs.20,50,000/- before the court below, where divorce petition under Section 13-B of the Hindu Marriage Act is pending and the said demand draft shall be given to opposite party no.2 at the time of final decision of the divorce petition.

5. Learned counsel for the applicant 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.

6. Learned counsel for the opposite party no.2 has also appeared and has filed affidavit on behalf of opposite party no.2 and in para 6 of the said affidavit, the factum of compromise made between the parties has been acknowledged. Further in para 9, it has been stated that opposite party no.2 does not want to further contest the instant proceedings. Further in para 13, it has been stated that opposite party no.2 has no objection, if the entire proceedings are 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 instant case.

11. Accordingly, the entire proceedings of Case No. 49754

of 2019 (State Vs. Rajesh Baghela and Others), arising out of Case Crime No. 1153 of 2018, under Sections 498-A, 323, 506, 406, 120-B IPC and Section 3/4 of Dowry Prohibition Act, Police Station Sadar Bazar, District Agra, pending in the court of Chief Judicial Magistrate, Agra, are hereby quashed.

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

Order Date :- 19.10.2023

Nadim