

Court No. - 91

Case :- APPLICATION U/S 482 No. - 33727 of 2023

Applicant :- Mushahid And 3 Others

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

Counsel for Applicant :- Mohammad Danish

Counsel for Opposite Party :- G.A., Mohammad Asif, Saif Ali Khan

Hon'ble Gajendra Kumar, J.

Heard learned counsel for the applicant as well as learned AGA for the state.

The present 482 Cr.P.C. application has been filed to quash the charge-sheet dated 17.3.2020 as well as the entire proceedings of Case No. 19760 of 2020 (State vs. Mushahid and others) arising out of Case Crime No. 342 of 2019 under Sections 498-A, 323, 506, 325 I.P.C. and Section 3/4 of D.P. Act, P.S. Kanth, District Moradabad, pending in the Court of Additional Chief Judicial Magistrate, Court No.5 Moradabad as well as cognizance order dated 14.12.2020.

Pursuant to order dated 08.06.2023, the parties appeared before the court below for verification of settlement / compromise, who were duly identified by their counsel's, while verifying the compromise / settlement.

It is submitted by learned counsel for the applicant that it is a matrimonial dispute and all the disputes and differences have been settled between the parties. At this stage, learned counsel further submitted that continuation of the proceedings of the aforesaid case will be an abuse of process of law. No fruitful purpose would be served by keeping the matter pending. In support of his contention, learned counsel for the applicant has also placed reliance on the law laid down by Apex Court in ***Gian Singh vs. State of Punjab, (2012), 10 SCC 303, B.S. Joshi and others vs. State of Haryana and another, (2003) 4 SCC 675 and Madan Mohan Abbot vs. State of Punjab, (2008) 4 SCC 582.***

On the other hand, learned counsel for the opposite party no.2 submits that since the dispute between the parties has been settled, opposite party no.2 has no objection if the proceedings of the

aforesaid complaint case pending before the trial court is quashed.

I have considered the submissions made by the learned counsel for the parties and have gone through the entire record.

In all the aforesaid cases, the Apex Court has laid down the law that criminal proceedings may be quashed even in non-compoundable cases by the High Court in exercise of its extraordinary jurisdiction to restore peace between the parties and in case the justice so demands. According to Hon'ble Supreme Court, if the offence involve private dispute between the parties of commercial nature or matrimonial dispute and it is not related to heinous offence, the proceedings may be quashed.

Since the dispute between the parties has been amicably and mutually settled, no fruitful purpose would be served by permitting to continue the criminal case pending before the trial court and it would simply be a waste of time if the aforesaid case is permitted to continue till its logical conclusion.

In view of the above, the Application u/s 482 Cr.P.C. is **allowed**.

The entire proceedings of charge-sheet dated 17.3.2020 as well as the entire proceedings of Case No. 19760 of 2020 (State vs. Mushahid and others) arising out of Case Crime No. 342 of 2019 under Sections 498-A, 323, 506, 325 I.P.C. and Section 3/4 of D.P. Act, P.S. Kanth, District Moradabad, pending in the Court of Additional Chief Judicial Magistrate, Court No.5 Moradabad against the applicant s are quashed in terms of compromise arrived at between the parties.

Order Date :- 28.11.2023

Sanjeet