

Court No. - 89

Case :- APPLICATION U/S 482 No. - 33901 of 2023

Applicant :- Rahul Verma And 2 Others

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

Counsel for Applicant :- Mukesh Joshi

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicants and learned AGA for the State.
2. The present 482 Cr.P.C. application has been filed to quash the impugned charge-sheet no.98 of 2022 dated 06.08.2022, cognizance order dated 01.03.2023 as well as entire proceedings of Case No.11476 of 2023 arising out of Case Crime No.32 of 2022 (State vs. Rahul Verma and others), under sections 498A, 323, 504, 506 I.P.C. & 3/4 Dowry Prohibition Act, Police Station Mahila Thana, District Moradabad, pending in the court of learned Civil Judge (Junior Division)/FTC (Crime Against Women), Moradabad.
3. Learned counsel for the applicants submits that opposite party no.2-wife and applicant no.1-husband entered into compromise during investigation and filed compromise application before Investigating Officer but Investigating Officer has not considered compromise made between the parties and submitted charge-sheet against the applicants and thereafter applicants have been summoned. Learned counsel for the applicants next submits that proceeding under section 13-B was initiated by applicant no.1 in which parties have settled their dispute in terms of compromise and on the basis of compromise 13-B application of the applicant no.1 was allowed and in terms of compromise, applicants have paid money to opposite party no.2-wife. Counsel for the applicants submits that opposite party no.2 has not filed any affidavit of compromise before the trial court and trial court has proceeded in the aforesaid case. Applicants may be permitted to file compromise application and same may be verified.
4. Per contra, learned A.G.A. vehemently opposed the contention of learned counsel for the applicants.
5. From the argument of the learned counsel, it is apparent that opposite party no.2 has not made any effort to compromise the

matter with applicants in the aforesaid proceeding, as such, prayer of the applicants at this stage cannot be allowed.

6. The present application under Section 482 Cr.P.C. lacks merit and is, accordingly, **dismissed**.

7. However, if the applicants move discharge application before the court below, the court below shall decide their application expeditiously, in accordance with law.

Order Date :- 3.11.2023
SKD