

Court No. - 92

Case :- APPLICATION U/S 482 No. - 36488 of 2018

Applicant :- Vikas Agarwal @ Monu And 3 Ors

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

Counsel for Applicant :- Amish Kumar Srivastava, Santosh Kumar Jaiswal, Suresh Kumar Srivastava

Counsel for Opposite Party :- G.A., Raghvendra Prakash

Hon'ble Anish Kumar Gupta, J.

1. Case called out. None appeared on behalf of the applicants as well as for Opposite Party No.2. Sri Pankaj Srivastava, learned AGA is present on behalf of the State.

2. The instant application, under Section 482 Cr.P.C., has been filed seeking quashing of entire proceedings of Complaint Case No. 2206 of 2017, under Sections 498-A, 323, 504 I.P.C. and 3/4 DP Act, pending before Judicial Magistrate, Court No. 19, Azamgarh and summoning order dated 09.02.2018 in the aforesaid case on the basis of compromise.

3. From the perusal of the records, it appears that by order dated 13.10.2018, the instant case was referred for mediation between the parties and as per the mediation report 05.04.2019, the mediation proceedings were completed and the parties have settled their disputes and the settlement agreement has been enclosed along with the report of the mediation and relevant paragraph no. 6 of settlement agreement reads as follows :-

"6. In view of the interim settlement dated 15.03.2019, following settlement agreement has been arrived at between the parties here to:-

a) That the marriage of Sri Vikas Agarwal @ Monu (Applicant No.1-Husband) and Smt. Jushi Agarwal (O.P. No.2-wife) was solemnized on 06.12.2014. Due to strained relationships, both parties have been living separately from last 1 1/2 years. No issue was born out of aforesaid wedlock.

b) That as per interim settlement dated 15.03.2019, Sri Vikas Agarwal @ Monu (Applicant No.1-Husband) and Smt. Jushi Agarwal (O.P. No.2-Wife) had decided to take mutual divorce on

the condition of a permanent Alimony including Stridhan of Rs.4,35,000/- (Rs. Four Lakh Thirty Five Thousand only) which shall be paid by the husband to the wife in two installments.

c) That as agreed during interim settlement dated 15.03.2019, Sri Vikas Agarwal @ Monu (Applicant No.1-Husband) and Smt. Jushi Agarwal (O.P. No.2-Wife) have filed a mutual divorce petition No. 270/2019 u/s 13-B of Hindu Marriage Act before the Principal Judge, Family Court, Azamgarh and they have also produced the certified copy of said divorce petition, which is being made part of this settlement agreement.

d) That on 15.03.2019, Sri Vikas Agarwal @ Monu (Applicant No.1-Husband) had produced a demand draft of Rs.2,35,000/- (Rs. Two Lakh Thirty Five Thousand only) bearing No. 264266 dated 12.03.2019 drawn on Allahabad Bank in favour of JUHI Agrawal, which was kept in the file of Mediation Centre. The above mentioned demand draft has been handed over to Smt. Jushi Agarwal (O.P. No.2-Wife) today and she has acknowledged the receipt of the same.

e) That it has been agreed between the parties that the rest amount of aforesaid agreed alimony i.e. Rs. 2,00,000/- (Rs. Two Lakh only) shall be paid by the husband to the wife by way of the demand draft drawn in her favour at the time of final judgment in the above mentioned divorce petition.

f) That now the parties have no grudge against each other and in future they shall not litigate in this regard as there remains nothing to be settled between them from today.

g) In view of the present Final settlement, parties agree that they will not claim any further rights or liabilities in respect of the preset dispute.

h) That it has been agreed between the parties that all the Criminal and Civil Cases filed by them against each other shall be withdrawn by them by taking appropriate steps before the court / authorities concerned at the earliest."

4. According to the aforesaid settlement, the parties have agreed to dissolve their marriage by mutual consent and the applicant no.1 has agreed to pay Rs. 4,35,000/- to the Opposite Party No.2 as full and final settlement against all the claims of the Opposite Party N.2. It is further apparent from the aforesaid agreement that the as a part payment of Rs. 2,35,000/- was made to the Opposite Party

No.2, and applicant No.1 and the Opposite Party No.2 have jointly filed a Divorce Petition No. 270 of 2019, under Section 13-B of the Hindu Marriage Act before the Principal Judge, Family Court, Azamgarh. The remaining amount was to be paid at the time of decree of divorce and passing final judgment in the aforesaid divorce petition. Therefore, since it was a matrimonial dispute between the parties, which have been duly settled between them. As per the mediation agreement, the divorce petition was filed by mutual consent and the amount was already paid to the Opposite Party No.2.

5. In view thereof, since it was a dispute between the parties of private nature, which has been settled by mutual consent and no purpose would be served by keeping the criminal proceedings pending against the applicant herein.

6. In view thereof, the instant application is allowed in terms of compromise settlement agreement as directed between the parties on 05.04.2019 before the Mediation Centre of this court in the light of judgements in the cases of **Gian Singh Vs. State of Punjab and another (2012) 10 SCC 303**, **Narinder Singh and others Vs. State of Punjab (2014) 6 SCC 466** and **Prabhatbhai Aahir alias Prabhatbhai Bhimsinghbhai Karmur and others Vs. State of Gujarat and another (2017) 9 SCC 641**, the entire proceedings of the aforesaid criminal case are hereby quashed.

7. The application is **allowed**.

Order Date :- 30.11.2023

Akram