

**Court No. - 45**

**Case :-** CRIMINAL MISC. WRIT PETITION No. - 14573 of 2023

**Petitioner :-** Sharafat Hazi @ Sharafat Husain And 4 Others

**Respondent :-** State Of U.P. And 2 Others

**Counsel for Petitioner :-** Rakesh Kumar Verma

**Counsel for Respondent :-** G.A., Sameer Khan

**Hon'ble Vivek Kumar Birla, J.**

**Hon'ble Vinod Diwakar, J.**

**1.** Heard Sri Rakesh Kumar Verma, learned counsel for the petitioners, learned A.G.A. appearing for the State respondents and Sri Sameer Khan, learned counsel appearing for the informant.

**2.** This writ petition has been filed praying to quash the impugned First Information Report dated 11.6.2023, registered as Case Crime No. 202 of 2023 under Sections 498A, 323, 504 IPC and under Section 3/4 Dowry Prohibition Act and under Section 3/4 Muslim Women (Protection of Rights on Marriage) Act, 2019, P.S. Pakbada, District Moradabad.

**3.** Vide order dated 22.9.2023 the matter was referred to the mediation centre.

**4.** Perused the office report dated 17.10.2023 and the settlement agreement dated 13.10.2023 which indicates that matter has been peacefully settled between the parties and they have settled their differences on the terms mentioned in paragraph 6 of the settlement agreement dated 13.10.2023. The paragraph 7 is quoted as under:-

*"7. The following settlement has been arrived at between the parties hereto:-*

*a) That the parties stated that they have been living together as husband and wife since August, 2023 forgetting all previous disputes and differences. In continuation of the aforesaid reunion, the parties appeared and stated that they are full satisfied with this reunion and further they want to continue it for the rest of their lives.*

*b) That the husband and wife undertake that they shall not take any such action which may hurt either of the party mentally or physically and shall try to satisfy each other by their activities.*

*c) That the parties undertake not to commit any kind of cruelty against each other in any manner whatsoever.*

*d) That it has been agreed between the parties that they will behave properly living in peaceful and cordial atmosphere.*

*e) That the husband undertakes to take care of his wife and daughters and fulfill all essential requirements and amenities to them in future.*

*f) That it has been agreed between the parties in their peaceful living and cordial atmosphere.*

*g) That it has also been agreed between the parties that all the cases filed by them against each other and their family members regarding present matrimonial dispute shall be withdrawn by the parties concerned by taking appropriate steps before the Court/authority concerned.*

*h) That the parties will not file any fresh case against each other or their family members in respect of this matrimonial dispute. They have no claim against each other in future also.*

*i) That it has been agreed between the parties that they shall not violate the terms and conditions of this settlement otherwise the aggrieved party will be free to take legal recourse."*

5. It is submitted that as between the parties compromise had already taken place therefore, the impugned First Information Report dated 11.6.2023, registered as Case Crime No. 202 of 2023 under Sections 498A, 323, 504 IPC and under Section 3/4 Dowry Prohibition Act and under Section 3/4 Muslim Women (Protection of Rights on Marriage) Act, 2019, P.S. Pakbada, District Moradabad is liable to be quashed.

6. Thus, in view of the well settled principles of law as laid down by the Hon'ble Apex Court reported in **2003(4) SCC 675 (B.S. Joshi Vs. State of Haryana), J.T. 2008(9) SC 192 (Nikhil Merchant Vs. Central Bureau of investigation and another), (2012) 10 SCC 303 (Gian Singh Vs. State of Punjab), (2014) 9 SCC 653 (Yogendra Yadav and others Vs. State of Jharkhand) and also (2014) 6 SCC 466 (Narendra Singh Vs. State of Punjab)**, and in view of the settlement agreement dated 13.10.2023 the First Information Report dated 11.6.2023, registered as Case Crime No. 202 of 2023 under Sections 498A, 323, 504 IPC and under Section 3/4 Dowry Prohibition Act and under Section 3/4 Muslim Women (Protection of Rights on Marriage) Act, 2019, P.S. Pakbada, District Moradabad is hereby quashed.

7. The present petition is, accordingly, allowed.

**Order Date :- 18.10.2023**  
Abhishek