

Court No. - 87

Case :- APPLICATION U/S 482 No. - 35023 of 2022

Applicant :- Saddam

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

Counsel for Applicant :- Anup Kumar Khare

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash the charge sheet No. 43 of 2020 dated 23.02.2020, cognizance order dated 17.11.2021 as well as entire proceedings of Case No. 2228 of 2021(State Vs. Saddam), arising out of Case Crime No. 595 of 2019, under Section 3/4 of Muslim Women(Protection of Rights on Marriage) Act, 2019, Police Station- Nakhasa, District- Bheem Nagar.

3. The case was heard on 28.03.2023 and the Court has passed the following order:-

"Heard learned counsel for the applicant and learned AGA for the State and perused the material on record.

This petition has been filed by the applicant for quashing of the impugned charge sheet no. 43 of 2020 dated 23.2.2020 and summoning order dated 17.11.2021 as well as entire proceedings of Case No. 2228 of 2021 (State Vs. Saddam) arising out of Case Crime No.595 of 2019, under Section 3/4 Muslim Women (Protection of Rights on Marriage) Act, 2019, Police Station- Nakhasa, District- Bheem Nagar Sambhal, pending before Judicial Magistrate-Ist, Sambhal with a further prayer to stay the further proceedings of the aforesaid case.

It is a case of matrimonial dispute. On being confronted as to whether any possibility of settlement between the parties is possible, it is contended that there is fair possibility of mediation between the parties and efforts can be made to this effect.

Issue notice to private opposite party no. 2. Steps be taken within three days.

List this case on 25.4.2023.

Considering the submission made by learned counsel for the applicant that

there is every likelihood that the matter may be compromised, both applicant as well as private respondent no. 2 are directed to appear before this Court on the next date fixed in the matter. Applicant is further directed to deposit Rs. 30,000/- by way of demand draft within a week, before the Registrar General, which shall be paid to O.P. No. 2 as expenses on the date of her appearance before this Court.

Till the next date of listing no coercive action shall be taken against the applicant pursuant to aforesaid case.

In case, the amount as directed is not deposited by the applicant within the aforesaid period, the stay order shall automatically come to an end."

4. Pursuant to order dated 28.03.2023, compromise has been verified by the trial Court vide order dated 13.10.2023 and the same has been received to this Court from Additional Civil Judge (J.D.), Court No. 2, Sambhal vide letter dated 17.10.2023.

5. Learned A.G.A. has supported the case of the applicant and submitted that in case proceedings against the applicant is quashed, he would have no objection.

6. In view of the facts and circumstances of the case, the applicants and learned A.G.A. do not want to pursue the case any further as stated by them. The matter has been mutually settled between the parties, therefore, no useful purpose would be served in proceeding with the matter further.

7. Thus in view of the well settled principle of law as laid down by the Hon'ble Apex Court in the matters of **Krishnappa & Ors. vs. State of Karnataka; 2021 0 Supreme(SC) 529, Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors. vs. State of Gujarat and another; 2017 9 SCC 641, B.S. Joshi Vs. State of Haryana; 2003(4) SCC 675, Nikhil Merchant Vs. Central Burea of Investigation and another; (2008) 9 Supreme Court Cases 677, Gian Singh Vs. Stated of Punjab; (2012) 10 SCC 303 and Narinder Singh & others Vs. State of Punjab and another; (2014) Supreme Today 642**, the proceedings of the aforesaid case is hereby quashed.

8. The present application is, accordingly **allowed**.

9. No order as to costs.

Order Date :- 6.11.2023

ADY