

Court No. - 86

Case :- APPLICATION U/S 482 No. - 35682 of 2023

Applicant :- Neeraj And 3 Others

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Alok Kumar

Counsel for Opposite Party :- G.A.,Shambhu Mani Tripathi

Hon'ble Rajiv Gupta,J.

1. Short counter affidavit, filed by learned counsel for the opposite party nos.2 & 3 today in Court, is taken on record.
2. Heard learned counsel for the applicants, learned AGA for the State, Shri Shambhu Mani Tripathi, learned counsel for the opposite party nos.2 & 3 and perused the record.
3. Learned counsel for the applicants prays for and is permitted to make necessary correction in the prayer clause of this application.
4. Learned counsel for the applicants has submitted that applicant no.1 is the husband, applicant nos.2 & 3 are the parents-in-law and applicant no.4 is the sister-in-law of opposite party no.3 and on account of matrimonial discord, the instant criminal case was instituted against the applicants.
5. Learned counsel for the applicants has next submitted that applicants had earlier filed an Application U/s 482 No. 10225 of 2015 (Neeraj and 3 others Vs. State of U.P. and another) before this Court, in which, this Court vide its order dated 18.05.2015 had directed the parties to appear before Mediation and Conciliation Centre of this Court and to explore the possibility of settling the dispute through mediation.
6. Pursuant to the said order dated 18.05.2015, the parties appeared before the Mediation and Conciliation Centre and with the help of the mediators, an interim settlement agreement dated 07.08.2015 was drawn between the parties, a copy of which has been annexed as Annexure 4 to this application and the next date 11.09.2015 was fixed for

final settlement

7. Learned counsel for the applicants has next submitted that as per the said settlement agreement dated 07.08.2015, the parties have agreed to live together and since 07.08.2015, they have been living together as husband and wife and are leading a happy married life, however subsequently, they did not appear before the Mediation and Conciliation Centre on the next date fixed i.e. 11.09.2015 for final settlement and as such, Mediation Centre has sent a report to this Court stating therein that mediation could not be made between the parties and as such, mediation proceeding were dropped, however, the parties have been living together as husband and wife since 07.08.2015.

8. Again, another settlement agreement dated 29.01.2019 has also been drawn between the parties outside the Court supported by an affidavit, in which, it has been reiterated that pursuant to the earlier interim settlement agreement dated 07.08.2015 drawn before the Mediation Centre, the parties have been living together as husband and wife since 07.08.2015 and are leading a happy married life.

9. Learned counsel for the applicants has next submitted that in view of the interim settlement agreement dated 07.08.2015 as well as settlement agreement 29.01.2019 drawn between the parties and the fact that the parties are living together as husband and wife and are leading a happy married life, the entire proceedings be quashed.

10. Learned counsel for the opposite party nos.2 & 3 has also appeared and has filed an affidavit on behalf of opposite party no.3 and in para 3 of the said affidavit, it has been reiterated that pursuant to the earlier settlement agreement dated 07.08.2015 drawn before the Mediation Centre of this Court, the parties have been living together as husband and wife since 07.08.2015 and now, opposite party no.3 does not want to further contest the proceedings against the applicants. Further in para 6, it has been stated that opposite party no.3 has no objection, if the entire proceedings are quashed.

11. Learned AGA could not dispute the aforesaid facts.

12. This Court is not unmindful of the judgements of the Hon'ble Apex Court in the cases of:-

(i). *B.S. Joshi and others Vs. State of Haryana and another*, (2003) 4 SCC 675.

(ii). *Nikhil Merchant Vs. Central Bureau of Investigation*, (2008) 9 SCC 677.

(iii). *Manoj Sharma Vs. State and others*, (2008) 16 SCC 1.

(iv). *Gian Singh Vs. State of Punjab*, (2012) 10 SCC 303.

(v). *Narindra Singh and others Vs. State of Punjab*, (2014) 6 SCC 466.

(vi). *State of M.P. Vs. Laxmi Narayan* (2019) 5 SCC 688.

13. Wherein Hon'ble Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non-compoundable offences. Reference may also be made to the decision given by this Court in ***Shaifullah and others Vs. State of U.P. and another [2013 (83) ACC 278]***, in which, law expounded by Hon'ble Apex Court in the aforesaid cases has been explained in detail.

14. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by learned counsel for the parties, this Court is of the considered opinion that no useful purpose would be served by prolonging the proceedings of the present case.

15. Accordingly, the entire proceedings of Case No. 5918/9 of 2014 (State Vs. Neeraj and Others), arising out of Case Crime No. 235 of 2014, under Sections 498-A, 506 IPC and Section 3/4 of Dowry Prohibition Act, Police Station Khatauli, District Muzaffar Nagar, pending in the court of Chief Judicial Magistrate, Muzaffar Nagar, are hereby quashed.

16. This application under Section 482 CrPC is accordingly **allowed**.

Order Date :- 3.11.2023

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