

Court No. - 86

Case :- APPLICATION U/S 482 No. - 36118 of 2023

Applicant :- Faheem And 6 Others

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

Counsel for Applicant :- Ashish Dwivedi

Counsel for Opposite Party :- G.A.,Dileep Kumar Shukla

Hon'ble Rajiv Gupta,J.

1. Shri Dileep Kumar Shukla, Advocate has filed his vakalatnama and short counter affidavit on behalf of opposite party nos.2 & 3 today in Court, which is taken on record.

2. Heard learned counsel for the applicants, learned AGA for the State, Shri Dileep Kumar Shukla, learned counsel for opposite party no.2 & 3 and perused the records.

3. This application under Section 482 Cr.P.C. has been filed by the applicants with the prayer to quash the entire proceedings of Case No. 480 of 2023 (State Vs. Faheem and others), arising out of Case Crime No. 310 of 2022, under Sections 498-A, 323 IPC and 3/4 D.P. Act, Police Station Nawabganj, District Bareilly, pending in the court of Judicial Magistrate, Nawabganj, District Meerut.

4. Learned counsel for the applicants has submitted that opposite party no.3 is the wife of applicant no.1 and on account of matrimonial discord, the present criminal case has been instituted against the applicants by opposite party no.2, however subsequently, with the intervention of respected members of both the families and society, parties have amicably and genuinely settled all their disputes and differences and now they do not have any grievance against each other.

5. Learned counsel for the applicants has next drawn the attention of the Court to a compromise deed dated 23.08.2023, drawn between the parties, a copy of which has been annexed as Annexure-4 to this application.

6. Learned counsel for the applicants has next submitted that the applicant no.1 and opposite party no.3, who are husband and wife have restored their relationship and are now living together as husband and wife and leading a happy married life.

7. It is further submitted that in view of the aforesaid facts that the husband and wife are living together, the instant proceeding be quashed.

8. Learned counsel for opposite party no.2 & 3 has also appeared and has filed a short counter affidavit on behalf of opposite party nos.2 and 3 and in paragraph no.7 of the said affidavit, the compromise made between the parties has been acknowledged and in para 8, it has been further stated that the opposite party no.3, wife is now living peacefully with her husband and leading a happy married life, as such, she has no objections, if the entire proceedings are quashed.

9. Learned AGA could not dispute the aforesaid facts.

10. This Court is not unmindful of the judgements of the Apex Court in the cases of:-

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

(2). Nikhil Merchant Vs. Central Bureau of Investigation [2008] 9 SCC 677].

(3). Manoj Sharma Vs. State and others (2008) 16 SCC 1.

(4). Gian Singh Vs. State of Punjab (2012) 10 SCC 303.

(5). Narindra Singh and others Vs. State of Punjab (2014) 6 SCC 466.

11. Wherein the 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.

12. 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 above mentioned case.

13. Accordingly, the entire proceedings of Case No. 480 of 2023 (State Vs. Faheem and others), arising out of Case Crime No. 310 of 2022, under Sections 498-A, 323 IPC and 3/4 D.P. Act, Police Station Nawabganj, District Bareilly, pending in the court of

Judicial Magistrate, Nawabganj, District Meerut, are hereby quashed.

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

Order Date :- 26.10.2023

RKM