

Court No. - 86

Case :- APPLICATION U/S 482 No. - 37078 of 2023

Applicant :- Farookh And 4 Others

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

Counsel for Applicant :- Mohd. Saleem Khan

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta,J.

1. Shri Abhishek Kumar Singh, Advocate has filed short counter affidavit on behalf of opposite party no.2 today in Court, which is taken on record.

2. Heard learned counsel for the applicants, learned AGA for the State, learned counsel for opposite party no.2 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 as well as summoning order dated 21.07.2018 passed in Criminal Case No. 10717 of 2017 (Smt. Shareena Vs. Farookhi and others), under Sections 498-A IPC and 3/4 D.P. Act, Police Station Mahila Thana, District Moradabad, pending in the court of Additional Chief Judicial Magistrate, Court No.5, Moradabad.

4. Learned counsel for the applicants has submitted that opposite party no.2 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 this Court to a compromise deed dated 18.08.2023, drawn between the parties, a copy of which has been annexed as Annexure-5 to his application.

6. Learned counsel for the applicants has next submitted that in view of the said compromise and in order to maintain harmonious and cordial relations between the parties, entire proceedings against the applicants be quashed.

7. Learned counsel for opposite party no.2 has also appeared and has acknowledged the said compromise. He has filed an affidavit on behalf of opposite party no.2 and in paragraph no.8 of the said affidavit, it has been categorically stated that opposite party no.2 has no objection, if the entire proceedings are quashed.

8. Learned AGA could not dispute the aforesaid facts.

9. 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.

10. 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.

11. 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.

12. Accordingly, the entire proceedings of Criminal Case No. 10717 of 2017 (Smt. Shareena Vs. Farookhi and others), under Sections 498-A IPC and 3/4 D.P. Act, Police Station Mahila Thana, District Moradabad, pending in the court of Additional Chief Judicial Magistrate, Court No.5, Moradabad, are hereby quashed.

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

Order Date :- 26.10.2023

RKM