

Court No. - 86

Case :- APPLICATION U/S 482 No. - 37670 of 2023

Applicant :- Dheeraj Kumar @ Sonu And 2 Others

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Abhishek Tiwari, Anil Kumar Singh, Mahendra Pratap Singh

Counsel for Opposite Party :- G.A., Arun Kumar Tiwari, Rohit Singh, Sandeep Kumar

Hon'ble Rajiv Gupta, J.

1. Heard learned counsel for the applicants, learned AGA for the State, learned counsel for opposite party no.2 and perused the records.

2. This application under Section 482 Cr.P.C. has been filed by the applicants with the prayer to quash charge-sheet dated 11.09.2019 and cognizance order dated 30.09.2019 as well as entire proceedings of Case No. 1331 of 2020, arising out of Case Crime No. 123 of 2019, under Sections 498-A, 323 and 506 IPC and Section 3/4 D.P. Act, Police Station Ahraura, District Mirzapur, pending in the court of Civil Judge (Jr. Div.)/FTC (Offence against Women), District Mirzapur.

3. Learned counsel for the applicants has submitted that opposite party no.2 is the wife of applicant no.1 and applicant nos. 2 & 3 are her parents-in-law.

4. Learned counsel for the applicants has further submitted that on account of matrimonial discord, 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, applicants and the opposite party no.2 have amicably and genuinely settled all their disputes and differences and now they do not have any grievance against each other.

5. Pursuant to the said compromise, the applicants approached this Court in Application u/s 482 No.31215 of 2023 and this Court vide order dated 24.08.2023 had directed the parties to appear before the court below and file

a copy of the compromise deed, which shall be verified by the court below and after verification of the compromise, a report be submitted to this Court

6. Pursuant to the said order dated 24.08.2023, the parties appeared before the court below and in their presence, after due verification of the contents of the compromise made between the parties, an order dated 11.09.2023 has been passed by the court below verifying the said compromise, a copy of which has been annexed as Annexure-6 to this application.

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

8. Learned counsel for opposite party no.2 has also appeared and has acknowledged the said compromise. He has further stated, on instructions, that opposite party no.2 has no objection, 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:-

(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.

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 Case No. 1331 of 2020, arising out of Case Crime No. 123 of 2019, under Sections 498-A, 323 and 506 IPC and Section 3/4 D.P. Act, Police Station Ahraura, District Mirzapur, pending in the court of Civil Judge (Jr. Div.)/FTC (Offence against Women), District Mirzapur, are hereby quashed.

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

Order Date :- 30.10.2023
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