

Court No. - 87

Case :- APPLICATION U/S 482 No. - 37533 of 2023

Applicant :- Mohd. Shakeel

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

Counsel for Applicant :- Mohd. Akaram

Counsel for Opposite Party :- G.A., Misbahuddin

Hon'ble Neeraj Tiwari, J.

1. Sri Misbahuddin, Advocate has filed affidavit on behalf of opposite party No. 2, which is taken on record.

2. Heard learned counsel for the applicant, learned A.G.A. for the State and Sri Misbahuddin, learned counsel for the opposite party No. 2.

3. The present 482 Cr.P.C. application has been filed to quash the summoning order dated 05.07.2022 and further stay the proceedings of Complaint Case No. 14386 of 2020, under Sections- 498A, 323, 504 I.P.C. & 3/4 D.P. Act, Police Station- Anwarganj, District- Kanpur Nagar, pending in the court of M.M. (V), Kanpur Nagar.

4. The case was heard on 30.10.2023 and the Court has passed the following order:-

"1. Heard learned counsel for applicant, learned A.G.A. for State and Sri Anuj Kumar Srivastava, Advocate holding brief of Sri Misbah Uddin, learned counsel for opposite party No. 2.

2. Learned counsel for applicant submitted that marriage of applicant and opposite party No. 2 is 15 years old and under some misunderstanding, present criminal proceeding has been initiated by opposite party No. 2. It is next submitted that now parties have entered into compromise and opposite party No. 2 is presently living with applicant. It is further submitted that opposite party No. 2 does not want to initiate criminal proceeding against applicant.

3. Leaned counsel for opposite party No. 2 has not disputed the aforesaid facts. He prays for and is granted one week time to bring the aforesaid facts on record.

4. Put up this case on 06.11.2023 as fresh."

5. Pursuant to order dated 30.10.2023, Sri Misbahuddin, Advocate has filed affidavit on behalf of opposite party No. 2 admitting the fact of compromise between the parties i.e. applicant-husband and opposite party No.2-wife and further submitted that opposite party No. 2 does not want to continue criminal proceeding against the applicant.

6. Learned counsel for the applicant submitted that in light of compromise entered between the parties, criminal proceeding against the applicant may be quashed.

7. Learned counsel for the opposite party No. 2 has supported the case of applicant and submitted that in case proceedings against the applicant is quashed, he would have no objection.

8. In view of the facts and circumstances of the case, the applicant and opposite party no. 2 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.

9. 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 Bureau of Investigation and another; (2008) 9 Supreme Court Cases 677, Gian Singh Vs. State 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.

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

11. No order as to costs.

Order Date :- 6.11.2023

ADY