

Court No. - 89

Case :- APPLICATION U/S 482 No. - 38560 of 2023

Applicant :- Piyush Agarwal And 3 Others

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

Counsel for Applicant :- Balbeer Singh

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicants; Sri Manish Jaiswal, learned counsel for opposite party no.2; learned A.G.A. for the State and perused the record.

2. The present 482 Cr.P.C. application has been filed to quash the entire proceedings of Case No. 19570 of 2023 (State Vs. Piyush Agarwal and others) arising out of Case Crime No.324 of 2022, under Sections 498-A, 323, 504 I.P.C. and Section 3/4 Dowry Prohibition Act, P.S. Sadar Bazar, District Agra, pending in the court of Additional Chief Judicial Magistrate, Agra.

3. Learned counsel for the applicants submits that both the parties have settled the dispute out of the court and agreement deed has been entered between the parties and informant does not want to proceed further on account of compromise. The complaint has been filed by the opposite party no. 2 owing to some misunderstanding and misgivings between the parties. It is a matrimonial dispute. There is no dispute pending between the applicant no.1 and her wife, opposite party no.2. and they are both living together happily as husband and wife. He further submits that proceeding under section Domestic Violence Act has also not been pressed by the opposite party no.2 against the applicants. He next submits that aforesaid offences are compoundable under Section 320 Cr.P.C. He further submits that the joint affidavit of compromise has been filed by both the parties in which it is submitted that opposite party no.2 and applicant no.1 are living together as husband and wife again since 15.04.2023 and there is no dispute between them.

4. 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.

5. Learned counsel for the applicants in support of his contention has placed reliance on the judgments of Apex Court in the case of *Narinder Singh vs. State of Punjab* reported in (2014) 6 SCC 466,

and has submitted that the applicants and opposite party no.2 have settled through compromise their matrimonial dispute and as such opposite party no.2 does not wish to press the aforesaid case against the applicants. Opposite party no.2 is ready to withdraw the prosecution of the applicants and in view of the compromise, no fruitful purpose would be served if the prosecution is allowed to go on.

6. Learned counsel appearing for the opposite party no.2 does not dispute the correctness of the submission made by learned counsel for the applicants or the correctness of the documents relied upon by him. He submits that opposite party no. 2 has no objection, if the proceedings in the aforesaid case are quashed.

7. Learned AGA could not dispute the aforesaid facts.

8. Considering the judgement of the Hon'ble Apex Court in the case of **Narindra Singh and others Vs. State of Punjab**, (2014) 6 SCC 466, **Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat** (2017) 9 SCC, 641, **Gian Singh Vs. State of Punjab** (2012) 10 SCC 303 and **State of M.P. Vs. Laxmi Narayanan** (2019) 5 SCC 688, 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 the Hon'ble Apex Court in the aforesaid cases has been explained in detail.

9. 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.

10. Accordingly, the entire proceedings of Case No. 19570 of 2023 (State Vs. Piyush Agarwal and others) arising out of Case Crime No.324 of 2022, under Sections 498-A, 323, 504 I.P.C. and Section 3/4 Dowry Prohibition Act, P.S. Sadar Bazar, District Agra, pending in the court of Additional Chief Judicial Magistrate, Agra are hereby quashed.

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

Order Date :- 17.10.2023/Shivangi