

Court No. - 4

Case :- APPLICATION U/S 482 No. - 38685 of 2023

Applicant :- Mohd Mueen And Another

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

Counsel for Applicant :- Rajeshwar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Prakash Padia,J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and Sri Prakash Chandra Tripathi, learned counsel for the opposite party No.2.

2. The present 482 Cr.P.C. application has been filed with a prayer to quash the entire proceeding of Case Crime No. 0193 of 2022 (State Vs. Mohd. Naeem and others) Under Section 498-A, 323 I.P.C. & 3/4 D.P. Act, Police Station Babupurwa, District Kanpur Nagar, pending in the court of Metropolitan Magistrate, Court No. 09, Kanpur Nagar on the basis of the compromised preferred by the opposite party No. 02 dated 18.03.2023 and verified by the Court below dated 25.09.2023.

3. It is argued by learned counsel for the applicants that the dispute is between the husband and wife which has already been settled by a compromise dated 18.03.2023 and the aforesaid compromise has already been duly verified by the Court below vide its order 25.09.2023 pursuant to the order dated 11.08.2023 passed by this Court in Application under Section 482 No.29565 of 2023 (Mohd. Mueen and another Vs. State of U.P.). It is argued that the F.I.R. has been lodged by the opposite party No.2 who is father of the wife of the applicant No.1. It is argued that the couple is residing together and performed their matrimonial duties and prays that the entire proceedings be quashed in view of the compromise dated

18.03.2023.

4. Learned A.G.A. and Sri Prakash Chandra Tripathi, learned counsel for the opposite party No.2 has admitted aforesaid fact and he has no objection if the proceedings has been quashed.

5. Heard learned counsel for the parties and perused the record.

6. From perusal of the record, it is clear that a compromise has been taken place between the parties on 18.03.2023 and the same has been verified by the Court below on 25.09.2023. Since the differences between the husband and wife has been resolved and they live together happily, they do not want to proceed with the matter any further and want to end the matter, this Court is of the opinion that no useful purpose would be served keeping the proceedings pending before the Court below.

7. In this view of the matter, the present Application under Section 482 Cr.P.C. is allowed and the proceedings of Case Crime No. 0193 of 2022 (State Vs. Mohd. Naeem and others) Under Section 498-A, 323 I.P.C. & 3/4 D.P. Act, Police Station Babupurwa, District Kanpur Nagar, pending in the court of Metropolitan Magistrate, Court No. 09, Kanpur Nagar on the basis of the compromised preferred by the opposite party No. 02 dated 18.03.2023 and verified by the Court below dated 25.09.2023 are hereby quashed.

Order Date :- 18.10.2023
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