

Court No. - 86

Case :- APPLICATION U/S 482 No. - 39311 of 2023

Applicant :- Sahil Vashishta And 2 Others

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

Counsel for Applicant :- Pulak Ganguly

**Counsel for Opposite Party :- G.A.,Kushagra
Srivastava,Shahrukh**

Hon'ble Rajiv Gupta,J.

1. Learned counsel for opposite party no.2 has filed an Authorisation Letter of Opposite Party no.2 today Court, which is taken on record.

2. Heard learned counsel for the applicants, learned AGA for the State, Shri Shahrukh, 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 charge-sheet dated 22.02.2023 as well as entire proceedings of Criminal Case No. 59309 of 2023 (State of U.P. Vs. Sahil Vashishta and others), arising out of Case Crime No. 1494 of 2022, under Sections 498-A, 323, 504 and 506 IPC and Section 3/4 D.P. Act, Police Station Indrapuram, District Ghaziabad, pending in the court of C.J.M.-Ghaziabad.

4. Learned counsel for the applicants has submitted that opposite party no.2 is the wife of applicant no.1, whereas applicant nos. 2 and 3 are her parents-in-law and 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. Learned counsel for the applicants has next drawn the attention of this Court to a settlement agreement dated 17.04.2023, drawn between the parties, a copy of which has been annexed as Annexure-3 to this application.

6. Learned counsel for the applicants has next submitted that in terms of the said settlement agreement, applicant no.1 has agreed to pay a sum of Rs.18,50,000/- to opposite party no.2, in lieu of all her claims and dues, out of which, a sum of Rs.12,50,000/- has already been paid to her and balance amount of Rs.6,00,000/- through Demand Draft No. 604788 dated 30.11.2023 has been produced today in Court, which is being handed over to the learned counsel for opposite party no.2, who undertakes to hand over the same to the opposite party no.2 within a week. The authority letter duly signed by opposite party no.2 authorising counsel for opposite party no.2 to accept the demand draft on her behalf has been produced today by the counsel, which is taken on record.

7. 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 husband and wife, entire proceedings against the applicants be quashed.

8. Learned counsel for opposite party no.2 has also appeared and has acknowledged the said settlement agreement and accepts the said demand draft of Rs.6,00,000/- on behalf of opposite party no.2 for handing over the same to her within a week.

9. Learned counsel for opposite party no.2, on instructions, has submitted that opposite party no.2 has no objection, if the entire proceedings are quashed.

10. Learned AGA could not dispute the aforesaid facts.

11. 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.

12. 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.

13. Accordingly, the entire proceedings of Criminal Case No. 59309 of 2023 (State of U.P. Vs. Sahil Vashishta and others), arising out of Case Crime No. 1494 of 2022, under Sections 498-A, 323, 504 and 506 IPC and Section 3/4 D.P. Act, Police Station Indrapuram, District Ghaziabad, pending in the court of C.J.M.-Ghaziabad, are hereby quashed.

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

Order Date :- 11.12.2023

Subham