

Court No. - 87

Case :- APPLICATION U/S 482 No. - 39395 of 2023

Applicant :- Jitendra Kumar And 3 Others

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

Counsel for Applicant :- Abhishek Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Sri Gaurav Mishra, Advocate has filed counter affidavit on behalf of opposite party no.2, which is taken on record.

2. Heard learned counsel for the applicants, learned AGA for the State and Sri Gaurav Mishra, learned counsel for opposite party no. 2.

3. The present application under section 482 Cr.P.C. has been filed for quashing the charge sheet dated 28.1.2023 and summoning order dated 28.3.2023 as well as proceedings of Case No. 5669 of 2023, (State of U.P. vs. Jitendra Kumar and others) arising out Case Crime No. 156 of 2022, under Sections- 498-A, 323, 504 IPC and Section 3/4 of D.P. Act, Police Station- Mahila Thana, District- Gautam Budh Nagar.

4. Learned counsel for the applicants submitted that present matter is arising out of matrimonial dispute and now parties have entered into compromise. He next submitted that applicant no.3 Gulshan & applicant no.4-Girish are real brother and now applicant no.3 Gulshan and victim Neha are decided live together as well as applicant no.4-Girish and Victim Nikita @ Nikki are also decided to living together and this fact has also been mentioned in the counter affidavit filed by the opposite party no.2. He lastly submitted that in light of compromise as well as counter affidavit filed by opposite party no.2, present proceeding may be quashed.

5. Sri Gaurav Mishra, learned counsel for opposite party no. 2 has supported the case of the applicants on the basis of counter affidavit. He further submitted that in case this Court is pleased to quash the criminal proceeding pending against the applicants, he has no objection.

6. In view of above, the applicants and respondent 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.

7. 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.

8. The present application is, accordingly **allowed**. No order as to costs.

Order Date :- 8.11.2023

Junaid