

Court No. - 88

Case :- APPLICATION U/S 482 No. - 39872 of 2023

Applicant :- Sumit Mehra And Another

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

Counsel for Applicant :- Poonam Srivastava, Anil Kumar Srivastava

Counsel for Opposite Party :- G.A., Rohit Kumar

Hon'ble Sanjay Kumar Singh, J.

1. Heard Shri Shiva Sahu, learned Advocate holding brief of Shri Anil Kumar Srivastava, learned counsel for the applicants, learned Additional Government Advocate for the State/opposite party No.1 and learned counsel for opposite party No. 2.

2. This application under Section 482 Cr.P.C. has been preferred by the applicants with a prayer to quash the charge-sheet dated 20.11.2019, cognizance/ summoning order dated 03.02.2020 passed by Metropolitan Magistrate IX, Kanpur and proceedings of Case No. 4368 of 2020 (State vs. Sumit Mehra and others) arising out of case crime no. 176 of 2019, under Sections 498-A, 323 I.P.C. and Section 3/4 Dowry Prohibition Act, Police Station Kakadev, District Kanpur Nagar, pending in the court of Metropolitan Magistrate-II, Kanpur Nagar on the basis of compromise between the parties concerned.

3. Filtering out unnecessary details, the basic facts in brief, which are necessary for disposal of this case as argued by the learned counsel for the applicants are that the applicant no.1-Sumit Mehra is husband and applicant no.2-Shahsi Mehra is mother-in-law of opposite party no.2-Smt. Shreya. The marriage of applicant no.1 with opposite party no.2 was solemnized on 18.11.2018, but on account of acrimonious relation between them, their marriage was not successful and as a result thereof, opposite party no. 2 lodged a first information report on 04.06.2019 under Sections 498-A, 323, 315 of I.P.C. and Sections 3/4 Dowry Prohibition Act against the applicants and two others, namely, Amit Mehra and Ankit Mehra (brothers-in-law of opposite party no.2), in which after culmination of investigation, charge sheet

has been submitted against the applicants on 20.11.2019 under Sections 498-A, 323 I.P.C. and Section 3/4 Dowry Prohibition Act, on which the Magistrate concerned took cognizance and summoned the applicants to face trial. Thereafter, parties concerned have settled their dispute outside the Court and a compromise application dated 10.10.2023 has been filed before the concerned court below, copy whereof has been brought on record as Annexure no. 4 to the application. It is pointed out that it was agreed between the parties concerned that applicant no.1 shall pay a sum of Rs. 16,50,000/- to opposite party no. 2, out of which a sum of Rs. 3,00,000/- has been paid by the applicant no.1 and a draft of remaining amount has been prepared, but the same has been kept in the possession of the Mediator. It is also agreed between them that draft of remaining amount shall be paid to opposite party no.2 after quashing the criminal proceedings against the applicants.

4. On the strength of aforesaid facts it is submitted that on account of compromise arrived at between the parties concerned, all disputes between them have come to an end, therefore, aforesaid criminal proceeding against the applicants is liable to be quashed by this Court.

5. Learned Additional Government Advocate as well as learned counsel appearing on behalf of opposite party no.2 do not dispute the aforesaid facts. Learned counsel for opposite party no. 2 has also submitted at the Bar that since the parties concerned have settled their dispute as mentioned above, therefore, opposite party no.2 does not want to prosecute the applicants and has no objection in quashing the impugned criminal proceedings against the applicants.

6. After having heard the arguments of learned counsel for the parties, I find that after settlement arrived at between the parties in the present case, the chance of ultimate conviction is bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution against the applicants to continue, as the same would be futile exercise and a sheer wastage of precious time of

the Court. The continuation of a criminal proceedings after compromise would cause oppression and prejudice to the parties concerned. If the parties concerned wants to bury the hatchet and are willing to move on in a matrimonial dispute on the basis of compromise, they may be allowed to compound the offences in terms of settlement, because in such circumstances the proceedings can hardly be taken to their logical culmination and, the prospect of conviction gets lost.

7. Considering the facts and circumstances of the case in the light of dictum and guidelines laid down by the Apex Court in case of **B.S. Joshi and others Vs. State of Haryana and another** (2003) 1 SCC (Cri) 848 and **State of Madhya Pradesh Vs. Laxmi Narayan and others**, AIR 2019 SC 1296, this Court feels that this is a fit case, where this Court can exercise its inherent power to secure the ends of justice. In the case in hand interest of justice would be met, if the prayer of parties is acceded to and the criminal proceedings and other litigation between the parties are brought to an end.

8. In view of the above, impugned charge-sheet dated 20.11.2019, cognizance/ summoning order dated 03.02.2020 passed by Metroplitan Magistrate IX, Kanpur and proceedings of Case No. 4368 of 2020 (State vs. Sumit Mehra and others) against the applicants are hereby quashed.

9. In the conspectus of the aforesaid, this application under Section 482 Cr.P.C. is allowed in terms of compromise as mentioned above.

Order Date :- 8.12.2023

Anurag/-