

Court No. - 87

Case :- APPLICATION U/S 482 No. - 40060 of 2023

Applicant :- Rakesh And 2 Others

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

Counsel for Applicant :- Rajendra Kumar Singh, Nitin Kumar

Counsel for Opposite Party :- G.A., Deepak Kumar Tripathi

Hon'ble Neeraj Tiwari, J.

1. Heard Shri Nitim Kumar, learned counsel for the applicants, learned A.G.A. for the State and Shri Deepak Kumar Tripathi, learned counsel for the opposite party No.2.

2. The present 482 Cr.P.C. application has been filed to quash the charge-sheet dated 24.03.2019, cognizance order dated 03.02.2021 along with order dated 09.08.2023 as well as entire proceedings of Criminal Case No.264 of 2021 (State Vs. Rakesh and other), arising out of Case Crime No.98 of 2018, under Sections-498-A, 323, 504, 506 I.P.C. and Section 3/4 D.P. Act, Police Station- Mahila Thana, District-Bijnor.

3. Learned counsel for the applicant submits that the present criminal proceeding arising out of matrimonial dispute. He next submits that opposite party No.2 has lodged FIR against the applicants and co-accused, namely, Kavindra (husband), upon which, charge-sheet has submitted only against applicants and till date no charge-sheet has been submitted against the husband. He next submits that during the pendency of the criminal proceedings, applicants and opposite party No.2 are entered into compromise on 24.07.2023 and also filed the same before court below, which are rejected, vide order dated 09.08.2023 on the ground that till date accused/applicants have not obtained bail. He next submits that opposite party No.2 (wife) and her husband, namely, Kavindra are living together and once the matter has been decided, there is no occasion to continue with the criminal proceedings. This fact has also not disputed in the short counter affidavit filed by the opposite party No.2. Therefore, in light of compromise between the parties, the criminal proceedings against the applicants may be quashed.

4. Learned counsel for the opposite party No. 2 has not objected the aforesaid facts and submitted that in case proceedings against the applicants is quashed, he would have no objection.

5. Learned A.G.A. has also not disputed the aforesaid facts.

6. In view of the facts and circumstances of the case, the applicants and opposite party 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 Burea of Investigation and another; (2008) 9 Supreme Court Cases 677, Gian Singh Vs. Stated 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**.

Order Date :- 28.11.2023

Amit/-