

Court No. - 45

Case :- CRIMINAL MISC. WRIT PETITION No. - 17415 of 2023

Petitioner :- Maharaja And 6 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Mayank Yadav,Vivek Kumar Singh

Counsel for Respondent :- G.A.,Ghanshyam Yadav

Hon'ble Vivek Kumar Birla,J.

Hon'ble Vinod Diwakar,J.

1. Heard Sri Vivek Kumar Singh, learned counsel for the petitioners, Sri Surendra Singh, learned A.G.A. appearing for the State respondents and Sri Ghanshyam Yadav, learned counsel appearing for the respondent no. 4.

2. This writ petition has been filed praying to quash the impugned First Information Report dated 25.8.2023 registered as Case Crime No. 194 of 2023, under Sections 498A, 147, 323, 504, 313 IPC and Section 3/4 D.P. Act, P.S. Pallavpuram, District Meerut.

3. By drawing attention to annexure 2 to the petition, it is submitted that a compromise had already taken place between the parties in respect of the present criminal prosecution in Case Crime No. 194 of 2023. A certified copy of the Divorce Petition No. 2474 of 2023 (Maharaja Chauhan vs. Smt. Manisha) filed under Section 13-B of Hindu Marriage Act for mutual divorce, wherein in paragraph 5 it has been categorically mentioned that a compromise has taken place between the parties, has also been annexed. Attention was also drawn to pages 44 and 45 of the paper book to contend that the informant Smt. Manisha (respondent no. 4) had also filed her application in the divorce petition that such compromise had taken place.

4. Both the parties agree that such compromise had taken place and the informant shall be entitled to receive Rs. 15,00,000/- deposited before the Principal Judge, Family court on conclusion of the divorce petition.

5. Both the parties have requested that in view of such compromise, the impugned First Information Report dated 25.8.2023 registered as Case Crime No. 194 of 2023, under Sections 498A, 147, 323, 504, 313 IPC and Section 3/4 D.P. Act, P.S. Pallavpuram, District Meerut, District Varanasi is liable to be quashed.

6. Thus, in view of the well settled principles of law as laid

down by the Hon'ble Apex Court reported in **2003(4) SCC 675 (B.S. Joshi Vs. State of Haryana)**, **J.T. 2008(9) SC 192 (Nikhil Merchant Vs. Central Bureau of investigation and another)**, **(2012) 10 SCC 303 (Gian Singh Vs. State of Punjab)**, **(2014) 9 SCC 653 (Yogendra Yadav and others Vs. State of Jharkhand)** and **also (2014) 6 SCC 466 (Narendra Singh Vs. State of Punjab)**, the First Information Report dated 25.8.2023 registered as Case Crime No. 194 of 2023, under Sections 498A, 147, 323, 504, 313 IPC and Section 3/4 D.P. Act, P.S. Pallavpuram, District Meerut is hereby quashed.

7. The present petition is, accordingly, allowed.

Order Date :- 28.11.2023
Abhishek