

Court No. - 86

Case :- APPLICATION U/S 482 No. - 41182 of 2023

Applicant :- Sampurnanand Giri And Another

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

Counsel for Applicant :- Pradeep Kumar

Counsel for Opposite Party :- G.A., Piyush Patel

Hon'ble Rajiv Gupta, J.

1. Heard learned counsel for the applicants, learned AGA for the State, Shri Piyush Patel, learned counsel for the opposite party No. 2 and perused the record.

2. This application under Section 482 Cr.P.C. has been filed with a prayer to quash the summoning order dated 2.6.2023 as well as entire proceedings of Criminal Case No. 1374 of 2023 (State vs. Sampurnanand Giri and another) arising out of Case Crime No. 22 of 2022, under Sections 498A, 323, 504, 506 IPC and 3/4 of D.P. Act, P.S. Sinduriya, District- Maharajganj, pending in the court of Addl. Chief Judicial Magistrate/Civil Judge (Senior Division), Maharajganj.

3. Learned counsel for the applicants has submitted that opposite party No. 2 is the wife of applicant No. 1 and applicant No. 2 is the mother in-law of opposite party No. 2 and on account of matrimonial discord, the present criminal case was instituted against the applicants, however subsequently, with the intervention of the respected members of both the family and society, they have amicably and genuinely settled all their disputes and differences and they do not have any grievance against each other.

4. Learned counsel for the applicants has made a statement at the bar that pursuant to the compromise made between the parties, the parties have restored their relations and now are living together as husband and wife alongwith minor child since last six months.

5. Learned counsel for the applicants has next submitted that in view of the compromise made between the parties and the fact that parties are living together as husband and wife and leading a happy married life, the entire proceedings be quashed against the applicants.

6. Learned counsel for the opposite party no.2 has also appeared and has filed an affidavit on behalf of opposite party No. 2 and in paragraph-3 of the said affidavit, it has been stated that pursuant to the compromise made between the parties, applicant No. 1 and opposite party No. 2 have restored their relations and are living together as husband and wife alongwith their minor child and are leading a happy married life and they do not have any grievance against each other. In paragraph-4, it has been further stated that opposite party No. 2 has no objection if the entire proceedings are quashed.

7. Learned AGA could not dispute the aforesaid facts.

8. This Court is not unmindful of the judgements of the Apex Court in the cases of :-

1. B.S. Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675.

2. Nikhil Merchant Vs. Central Bureau of Investigation [2008] 9 SCC 677].

3. Manoj Sharma Vs. State and others (2008) 16 SCC 1.

4. Gian Singh Vs. State of Punjab (2012) 10 SCC 303.

5. Narindra Singh and others Vs. State of Punjab (2014) 6 SCC 466.

6. State of M.P. Vs. Laxmi Narayan (2019) 5 SCC 688.

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 the law expounded by the Apex court in the aforesaid cases has been explained in detail.

9. In the peculiar facts and circumstances of the case and the fact that all dispute between the parties have already been settled and applicant No. 1 and opposite party No. 2 have restored their relations and are living together as husband and wife for the last one and a half years alongwith two minor children and other family members, I am of the view that no useful purpose shall be served by prolonging the proceedings of the above mentioned

case.

10. Accordingly, the entire proceedings of Criminal Case No. 1374 of 2023 (State vs. Sampurnanand Giri and another) arising out of Case Crime No. 22 of 2022, under Sections 498A, 323, 504, 506 IPC and 3/4 of D.P. Act, P.S. Sinduriya, District- Maharajganj, pending in the court of Addl. Chief Judicial Magistrate/Civil Judge (Senior Division), Maharajganj, are hereby quashed.

11. This application under Section 482 CrPC is accordingly allowed.

Order Date :- 11.12.2023

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