

Court No. - 88

Case :- APPLICATION U/S 482 No. - 39963 of 2023

Applicant :- Chandan Kishore And 3 Others

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

Counsel for Applicant :- Yash Pratap Singh, Shashank Shekhar Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh, J.

1. Heard Mr. Manoj Kumar, learned counsel for the applicants; Mr. Rabindra Kumar Singh, learned Additional Government Advocate for the State/opposite party no.1; Mr. Virendra Nath Pandey, learned counsel appearing on behalf of opposite party no.2-complainant and perused the record.

2. The instant application under Section 482 Cr.P.C. has been filed by the applicants with a prayer to quash the charge-sheet No.01 of 2020 dated 25.11.2020 in Case No.4047 of 2021 (State v. Chandan Kishore and others) arising out of Case Crime No.06 of 2020, under Sections 498-A, 323, 506, 354-A, 354-B I.P.C. & 3/4 Dowry Prohibition Act, Police Station Daskhaswamedh, District Varanasi pending in the court of Special Chief Judicial Magistrate, Varanasi.

3. It is submitted by learned counsel for the applicants that the applicants, namely, Chandan Kishore, Raj Kishor, Anita Singh and Chetan Kishore are husband, father-in-law, mother-in-law and brother-in-law of opposite party no.2 respectively. Marriage of applicant no.1 with opposite party no.2 was solemnized on 06.07.2018, but their marriage was not

successful and as a result thereof opposite no.2 lodged FIR on 26.01.2020 under Sections 323, 354(*gha*), 506, 498-A I.P.C. and Section 3/4 Dowry Prohibition Act, in which after culmination of investigation charge sheet has been submitted under Sections 498-A, 323, 506, 354(A) & 354 (B) I.P.C. & 3/4 Dowry Prohibition Act on 25.11.2020. Thereafter, parties concerned have settled their disputes outside the Court and a compromise deed has also been executed between the parties concerned on 22.09.2023 which has been filed as Annexure No.8 to the application. During compromise, it was agreed between the parties that they will file a petition under Section 13(B) of Hindu Marriage Act for dissolution of their marriage by mutual consent and the applicant no.1 shall pay a sum of Rs.18,50,000/- to the opposite party no.2, out of which a sum of Rs.9,25,000/- shall be paid by the applicant no.1 to the opposite party no.2 at the time of filing petition under Section 13(B) of the Hindu Marriage Act and remaining amount of Rs.9,25,000/- shall be paid by the applicant no.1 to the opposite party no.2 at the time of quashing of the criminal proceedings against the applicants by this Court.

4. It is also pointed out that by the order of this Court dated 31.10.2023, parties concerned were directed to appear before this Court and in compliance thereof, opposite party no.2- Pallavi Singh is personally present before this Court whereas applicant no.1 is not present, but on his behalf, applicant no.2- Raj Kishor (father of applicant no.1) is present and they have been identified by their respective counsels appearing in this case.

5. On the matter being taken up, the applicant no.2- Raj Kishor handed over an original demand draft of State Bank of India, bearing No.811136 dated 25.09.2023 of Rs.9,25,000/- to the opposite party no.2, who has accepted the same and submits before this Court that now she has received full and final payment as per terms and conditions of the compromise and she has no objection in case criminal proceeding of this case against the applicants is quashed by this Court. She also states that she will abide all the terms and conditions of the compromise in its letter and spirit and she will not take any adjournment in the pending divorce proceedings.

6. In view of the above, impugned charge-sheet No.01 of 2020 dated 25.11.2020 filed in Case No.4047 of 2021 (State v. Chandan Kishore and others) arising out of Case Crime No.06 of 2020, under Sections 498-A, 323, 506, 354-A, 354-B I.P.C. & 3/4 Dowry Prohibition Act, Police Station Daskhaswamedh, District Varanasi and further proceedings of the above case pending in the court of Special Chief Judicial Magistrate, Varanasi against the applicants are hereby quashed.

7. 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 :- 20.11.2023
A.N. Mishra