

Court No. - 86

Case :- APPLICATION U/S 482 No. - 40360 of 2023

Applicant :- Jatin Arora And 2 Others

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

Counsel for Applicant :- Rishikesh Kumar Maurya

Counsel for Opposite Party :- G.A.,Awaish Khan

Hon'ble Rajiv Gupta,J.

1. Heard learned counsel for the applicants, learned AGA for the State, Shri Awaish Khan, learned counsel for the opposite party nos.2 & 3 and perused the record.
2. Learned counsel for the applicants has submitted that opposite party no.3 is the wife of applicant no.1 and on account of matrimonial discord, the instant criminal case was instituted against the applicants, however subsequently, with the intervention of respected members of both the family and the society, the parties have amicably and genuinely settled their all disputes and differences and the parties have decided to live separately and now, they do not have any grievance against each other.
3. Learned counsel for the applicants has next drawn the attention of the Court to the settlement agreement dated 17.07.2023 drawn between the parties, a copy of which has been annexed as Annexure 5 to this application.
4. Learned counsel for the applicants has next submitted that in Application U/s 482 No. 31568 of 2023 (Jatin Arora And 2 Others Vs. State of U.P. and Another), this Court vide its order dated 28.08.2023 had directed the parties to appear before the court below and get the settlement agreement verified.
5. Pursuant to the said order dated 28.08.2023, the parties appeared before the court below and in their presence, the settlement agreement has been verified and a report/order dated 25.09.2023 has been passed, a copy of which has been annexed as Annexure 2 to the short counter affidavit.
6. Learned counsel for the applicants has next submitted that as per the said settlement agreement, the applicant no.1 had already paid a sum of Rs.24,50,000/- to the opposite party no.3 in lieu of all her claims and dues and now, nothing remains to be paid.
7. Learned counsel for the applicants has next submitted

that in view of the said settlement agreement drawn between the parties and in order to maintain harmonious and cordial relations between them, the entire proceedings be quashed.

8. Learned counsel for the opposite party nos.2 & 3 has also appeared and has filed a short counter affidavit and in para 3 of the said affidavit, the settlement agreement has been acknowledged.

9. Learned counsel for the opposite party nos.2 & 3 has next submitted that in lieu of all her claims and dues, the opposite party no.3 has already received a sum of Rs.24,50,000/- from the applicant no.1 and now, nothing remains to be received.

10. Learned counsel for the opposite party nos.2 & 3 has next submitted, on instructions, that in view of the said settlement agreement, the opposite party nos.2 & 3 have no objection, if the entire proceedings are quashed.

11. Learned AGA could not dispute the aforesaid facts.

12. This Court is not unmindful of the judgements of the Hon'ble Apex Court in the cases of:-

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

(ii). Nikhil Merchant Vs. Central Bureau of Investigation, (2008) 9 SCC 677.

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

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

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

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

13. Wherein Hon'ble 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, law expounded by Hon'ble Apex Court in the aforesaid cases has been explained in detail.

14. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by learned counsel for the parties, this Court is of the considered opinion that no useful purpose would be served

by prolonging the proceedings of the present case.

15. Accordingly, the entire proceedings of Case No. 169 of 2021, arising out of Case Crime No. 266 of 2020, under Sections 498-A, 323, 506 IPC and Sections 3/4 of Dowry Prohibition Act, Police Station Bilaspur, District Rampur, pending in the court of Chief Judicial Magistrate, Rampur, are hereby quashed.

16. This application under Section 482 CrPC is accordingly **allowed.**

Order Date :- 5.12.2023

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