

Court No. - 86

Case :- APPLICATION U/S 482 No. - 41441 of 2023

Applicant :- Krishna Agrawal Alias Chirag And 3 Others

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

Counsel for Applicant :- A/A0086/2015, Ankit Agarwal

Counsel for Opposite Party :- G.A.

Hon'ble Rajiv Gupta, J.

1. Short counter affidavit filed on behalf of opposite party No. 3 today in Court, is taken on record.
2. Learned counsel for the applicants is permitted to implead Komal Singhal wife of applicant No.1 during the course of the day.
3. Heard learned counsel for the applicants, learned AGA for the State, Sri Dilip Kumar Patel, learned counsel for the opposite party No. 2 and perused the record.
4. This application under Section 482 Cr.P.C. has been filed with a prayer to quash the charge sheet dated 1.5.2021 and cognizance order dated 2.8.2022 as well as entire proceedings of Criminal case No. 7045 of 2022 (State Vs. Chirag and others) arising out of Case Crime No. 79 of 2021, under Sections 498-A, 323, 506 IPC, P.S.Kotwali Nagar, District-Bulandshahr, pending in the court of Chief Judicial Magistrate, Bulandshahr.
5. Learned counsel for the applicants has submitted that opposite party No. 3 is the wife of applicant No. 1 and applicant Nos. 2 and 3 are her parents in-law and applicant No. 4 is her brother in-law and on account of matrimonial discord, the present criminal case was instituted against the applicants, however with the intervention of the respected members of both the family and society, the parties have amicably and genuinely settled all their disputes and differences and now they do not have any grievance against each other.
6. Learned counsel for the applicants has next submitted that a settlement-agreement dated 19.5.2022 has been drawn between the parties, a copy of which has been annexed as Annexure No. 4 to this application.
7. Learned counsel for the applicant has next submitted that in

terms of the compromise, it has been decided that the applicant No. 1 shall pay a sum of Rs. 11 lakh in lieu of all her claims and dues and the entire amount of Rs. 11 lakh has already been deposited before the court below in a proceeding pending under Section 13-B of the Hindu Marriage Act and the said amount shall be paid on disposal of the said petition.

8. Learned counsel for the applicants has next submitted that in view of the compromise made between the parties and in order to maintain harmonious and cordial relations between them, entire proceedings be quashed against the applicants.

9. Learned counsel for the opposite party No. 3 has also appeared and has filed an affidavit on behalf of opposite party No. 3 and in paragraph-4 of the said affidavit, the said compromise has been acknowledged. Learned counsel for the opposite party No. 3 has further submitted, on instructions, that an amount of Rs. 11 lakh to be paid to the opposite party No. 3, has already been deposited in the court below, which shall be received by her at the time of disposal of the petition under Section 13-B of the Hindu Marriage Act. It has been further submitted that in view of the compromise, opposite party No. 3 does not want to further proceed with the instant case and has no objection, if the entire proceedings are quashed.

10. Learned AGA could not dispute the aforesaid facts.

11. 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.

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.

12. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by the counsel for the parties, the court is of the considered opinion that no useful purpose shall be served by prolonging the proceedings of the above mentioned case.

13. Accordingly, the entire proceedings of Criminal case No. 7045 of 2022 (State Vs. Chirag and others) arising out of Case Crime No. 79 of 2021, under Sections 498-A, 323, 506 IPC, P.S.Kotwali Nagar, District-Bulandshahr, pending in the court of Chief Judicial Magistrate, Bulandshahr, are hereby quashed.

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

Order Date :- 21.11.2023

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