

Court No. - 92

Case :- APPLICATION U/S 482 No. - 42023 of 2023

Applicant :- Pankaj Chaubey And 2 Others

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

Counsel for Applicant :- Shailesh Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Shailesh Kumar Shukla, learned counsel for the applicants, learned counsel for opposite party no.2, who has filed a short counter affidavit with Vakalatnama, which are taken on record and Sri Sandeep Chaudhary, learned AGA for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of the entire proceedings of Case No. 230 of 2014 (State vs. Pankaj Chaubey and others) arising out of Case Crime No. 150 of 2013, under Sections 498-A, 323, 325, 504, 506 IPC and Section 3/4 Dowry Prohibition Act, P.S. Lahata, District Varanasi, pending in the court of Additional Civil Judge (Junior Division)-IV, Varanasi.

3. Learned counsel for the applicants as well as learned counsel for opposite party no.2 submit that the instant proceedings were lodged against the applicant due to the matrimonial discord between the applicant no.1 and the opposite party no.2. The matrimonial disputes between the parties were pending since long and various cases were filed against each other. Learned counsel for the applicants as well as learned counsel for opposite party no.2 further submit that now the parties have settled their disputes amicably outside the Court and to that effect, a compromise dated 30.10.2023 has already been filed before the Additional Civil Judge (Junior Division)-IV, Varanasi. In the said compromise, the parties have categorically stated that they do not want to proceed the cases against each other and a joint application for dissolution of marriage between the parties has been filed under Section 13-B of the Hindu Marriage Act.

4. Learned counsel for the applicant further submits that he has already paid a sum of Rs. 13 lacs against the full and final settlement between the parties, which has been duly admitted by learned counsel for opposite party no.2. Learned counsel for the

applicants has further drawn attention of this Court to the order dated 21.11.2023 passed by this Court in Application under Section 482 No. 41497 of 2023 (Mahendra Prasad Pandey and 4 others vs. State of U.P. and another), wherein the prosecution lodged by the applicant no.1 against the opposite party no.2 and her family members has already been quashed in view of the aforesaid compromise between the parties. The aforesaid compromise has already been admitted by the parties and has already been taken note of by this Court in Application under Section 482 No. 41497 of 2023.

5. In the light of aforesaid compromise, it is appropriate to quash the proceedings initiated by the opposite party no.2 against the applicants herein in the matrimonial dispute in light of the judgments of the Apex Court in the cases of **B.S. Joshi and others vs. State of Haryana and anotehr, (2003) 4 SCC 675, Nikhil Mechant vs. Central Bureau of Investigation, (2008) 9 SCC 677, Manoj Sharma vs. State and others, (2008) 16 SCC 1, Gian Singh vs. State of Punjab (2012) 10 SCC 303 and Narindra Singh and others vs. State of Punjab (2014) 6 SCC 466.**

6. Accordingly, the entire proceedings of Case No. 230 of 2014 (State vs. Pankaj Chaubey and others) arising out of Case Crime No. 150 of 2013, under Sections 498-A, 323, 325, 504, 506 IPC and Section 3/4 Dowry Prohibition Act, P.S. Lahata, District Varanasi, pending in the court of Additional Civil Judge (Junior Division)-IV, Varanasi are hereby quashed in view of the compromise dated 30.10.2023 entered into between the parties, which has been duly placed on record of the learned trial court and certified copy of the same has been annexed as annexure-5 to the instant application, which has been admitted by the learned counsel for opposite party no.2 in the short counter affidavit.

7. In view thereof, the instant application is **allowed**.

Order Date :- 23.11.2023

Ashish Pd.