

Court No. - 92

Case :- APPLICATION U/S 482 No. - 42004 of 2023

Applicant :- Shahnajar And 4 Others

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Mohammad Faisal Khan

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Mr. Mohd. Faisal Khan, learned counsel for the applicants and Sri Rajesh Kumar Singh, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of the charge-sheet dated 23.02.2022 in Case No.1894/9 of 2022, arising out of Case Crime No. 339 of 2021 u/S 498A, 323, 324, 504, 506 I.P.C., and 3/4 D.P. Act, P.S.- Charthawal, District- Muzaffarnagar, pending in the court of learned Judicial Magistrate-II, Muzaffarnagar.

3. Learned counsel for the applicants submits that this is a proceedings arising out of matrimonial dispute between the applicant no. 1 and the opposite party no.3, and subsequently, there is a settlement of such matrimonial dispute due to the intervention of elders and well-wishers of both the parties, for which a compromise between the parties has already been executed on 23.05.2022. The copy of which has been annexed alongwith the instant application as Annexure '4' to the instant application. Learned counsel for the applicants further submits that this is the second Application u/s 482 on behalf of the applicants. The earlier *Application u/S 482 No. 36772 of 2022 (Shahnazar and 4 Ors. vs. State of U.P. and Ors.)* was disposed of by this Court vide order dated 20.12.2022, with the following observations:

"Heard learned counsel for the applicants and learned A.G.A. for the State and perused the record.

The present application under Section 482 Cr.P.C. has been filed with the prayer to quash the charge-sheet no. 35, dated 23.02.2022 arising out of Case Crime No. 339 of 2021, under Sections 498A, 323, 324, 504, 506 I.P.C. & Section 3/4 of Dowry Prohibition Act, Police Station- Charthawal, District- Muzaffar Nagar as well as Cognizance order dated 04.03.2022 passed by Judicial Magistrate, Court No. 2, Muzaffar Nagar in Case No. 1894/9 of 2022.

Learned counsel for the applicants submits that the parties have reconciled their differences and a compromise has been entered between them, copy of compromise deed dated 22.08.2022 has been annexed as Annexure 3 to this affidavit wherein it has been mentioned that opposite party nos. 2 and 3 do not want to press the case. Therefore, no useful purpose would be served in continuing the proceedings before the Court below and the same is not only sheer wastage of time of the Court but also abuse of process of law.

Learned A.G.A., however, submits that it is the concerned court below, which has to verify the fact as to whether the parties have entered into compromise, hence the applicants may approach the concerned court below and move an application with respect to compromise between the parties, which will be decided in accordance with law.

In view of above, without expressing any opinion on the merit of the case, the applicants and opposite party nos. 2 and 3 are directed to appear before the Court below along with compromise deed as well certified copy of this order within two weeks from today. It is expected that Court below may fix a date for the verification of the compromise and after ensuring the presence of the parties, pass an appropriate order with respect to the same in accordance with law, as expeditiously as possible, preferably within a period of two months from the date of production of a certified copy of this order, if there is no other legal impediment. While passing the order verifying the compromise, the Court concerned shall also record the statements of the parties as to whether all the terms and conditions mentioned in the original compromise deed, so filed, have been fulfilled or not?

The Court in that scenario will allow the parties to obtain certified copy of the report as well as compromise and it will be open to the applicants to approach this Court again for quashing of the proceedings.

Till verification of compromise between the parties by the court concerned, no coercive action shall be taken against the applicants in the aforesaid case.

With the aforesaid directions, this application is finally disposed of. "

4. At this stage, learned counsel for the applicants seek to withdraw the instant application with permission to move appropriate application in the disposed of Application u/S 482 No. 36772 of 2022. The instant application is ***dismissed as withdrawn*** with liberty as prayed.

Order Date :- 1.12.2023
Shubham Arya