

Court No. - 86

Case :- APPLICATION U/S 482 No. - 42406 of 2023

Applicant :- Nand Kishor @ Nandu And 8 Others

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Chandan Kumar Chaturvedi

**Counsel for Opposite Party :- G.A., Novneet Kumar
Srivastava**

Hon'ble Rajiv Gupta, J.

1. Learned counsel for the opposite party no.2 has filed counter affidavit today in Court, which is taken on record.

2. Heard learned counsel for the applicants, learned AGA for the State, Shri Novneet Kumar Srivastava, learned counsel for the opposite party no. 2 and perused the record.

3. Learned counsel for the applicants has submitted that opposite party no.2 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 have decided to live together and now, they do not have any grievance against each other.

4. Learned counsel for the applicants has next submitted that in Case No. 20 of 2015 filed between the same parties, the court below had referred the matter to the Mediation and Conciliation Centre, Kanpur Nagar in order to enable the parties to explore the possibility of settling the dispute through mediation.

5. Pursuant to the said order, the parties appeared before the Mediation and Conciliation Centre, Kanpur Nagar and with the help of the mediators, a settlement agreement dated 16.02.2015 has been drawn between the parties, a copy of which has been annexed as Annexure 5 to this application.

6. Learned counsel for the applicants has next submitted that as per the settlement agreement, the applicant no.1 and

opposite party no.2 had agreed to live together as husband and wife and now, they are leading a happy married life.

7. Learned counsel for the applicants has next submitted that till date, no charges have been framed against the applicants in the instant case.

8. Learned counsel for the applicants has next submitted that in view of the said settlement agreement drawn between the parties, the entire proceedings be quashed.

9. Learned counsel for the opposite party no.2 has also appeared and has filed an affidavit on her behalf and in para 8 of the said affidavit, said settlement agreement dated 16.02.2015 has been acknowledged. Further in para 11, it has been stated that applicant no.1 and opposite party no.2 have been living together as husband and wife and now, they do not have any grievance against each other and the entire family is happy. Further in para 14, it has been stated that opposite party no.2 has no objection, if the entire proceedings are quashed on the basis of the compromise made between the parties.

10. Learned AGA could not dispute the aforesaid facts.

11. 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.

12. 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.

13. 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.

14. Accordingly, the entire proceedings of Case No. 34810 of 2016 (State Vs. Nand Kishor @ Nandu and Others), arising out of Case Crime No. 385 of 2013, under Sections 498-A, 323, 504, 506 IPC and Section 3/4 of D.P. Act, Police Station Mahila Thana, District Kanpur Nagar, pending in the court of Civil Judge (Jr. Div.)/ F.T.C. (C.A.W.), Kanpur Nagar, are hereby quashed.

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

Order Date :- 5.12.2023

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