

Court No. - 86

Case :- APPLICATION U/S 482 No. - 42468 of 2023

Applicant :- Rajni

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

Counsel for Applicant :- Ishwar Chandra Srivastava

Counsel for Opposite Party :- G.A.,Kaushlendra

Hon'ble Rajiv Gupta,J.

1. Shri Kaushlendra, Advocate has filed his vakalatnama as well as counter on behalf of opposite party no.2 today in Court, which is taken on record.

2. Heard learned counsel for the applicant, learned AGA for the State, Shri Kaushlendra, learned counsel for opposite party no.2 and perused the record.

3. This application under Section 482 Cr.P.C. has been filed with the prayer to quash entire proceedings of Case No. 10738 of 2017 (State Vs. Rajni), arising out of Case Crime No. 314 of 2017, under Sections 323, 336, 324, 504 and 506 IPC, Police Station Malpura, District Agra, pending in the court of Additional Chief Judicial Magistrate, Court No.4, Agra.

4. Learned counsel for the applicant has submitted that the applicant is the wife of opposite party no.2 and on account of matrimonial discord, the instant criminal case was instituted against the applicant, however subsequently, with the intervention of respected members of the family and society, the parties have amicably and genuinely settled their all disputes and differences in order to maintain harmonious and cordial relations between them and now, they do not have any grievance against each other.

5. Learned counsel for the applicant has next drawn the attention of this Court to the compromise application dated 19.08.2023 supported by an affidavit drawn between the parties, a copy of which has been annexed as Annexure-4 to this application.

6. Learned counsel for the applicant has next submitted in

view of the said compromise made between the parties, the applicant and opposite party no.2 have been living together as husband and wife and leading a happy married life along with their minor children.

7. Learned counsel for the applicant has next submitted that in view of the said compromise and in order to maintain harmonious and cordial relations between the husband and wife, entire proceedings against the applicant be quashed.

8. Learned counsel for opposite party no.2 has also appeared and has filed a counter affidavit and paragraph 2 of the said affidavit, the factum of said compromise has been acknowledged and it has been stated that the said compromise has been made without any coercion, threat or undue influence and the applicant and opposite party no.2 have been living together as husband and wife and leading a happy married life along with their minor children. It has been further stated in paragraph 4 of the said affidavit that opposite party no.2 has no objection if the entire proceedings are quashed.

9. Learned AGA could not dispute the aforesaid facts.

10. This Court is not unmindful of the judgements of the 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.

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, law expounded by

Hon'ble Apex Court in the aforesaid cases has been explained in detail.

11. 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 above mentioned case.

12. Accordingly, the entire proceedings of Case No. 10738 of 2017 (State Vs. Rajni), arising out of Case Crime No. 314 of 2017, under Sections 323, 336, 324, 504 and 506 IPC, Police Station Malpura, District Agra, pending in the court of Additional Chief Judicial Magistrate, Court No.4, Agra, are hereby quashed.

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

Order Date :- 6.12.2023
Subham