

Court No. - 87

Case :- APPLICATION U/S 482 No. - 42600 of 2023

Applicant :- Tahira And 2 Others

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

Counsel for Applicant :- Gyan Prakash Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Sri Santosh Kumar Singh, Advocate, put in appearance on behalf of opposite party No. 2 has filed vakalatnama, which is taken on record.

2. Heard learned counsel for the applicants, learned A.G.A. for the State and Sri Santosh Kumar Singh, learned counsel for the opposite party No. 2.

3. The present 482 Cr.P.C. application has been filed to quash the order dated 29.08.2023 as well as entire proceeding of Session Case No. 2451 of 2023 (State vs. Tayyub and others), arising out of Case Crime No. 61 of 2020, under Sections-498A, 323, 506 I.P.C. & Section 3/4 of D.P. Act against applicant No. 1 and 2 and under Sections-498A, 323, 506, 376 IPC & Section 3/4 D.P. Act against applicant No. 3, Police Station-Kotwali City, District:- Bulandshahar, on the basis of compromise dated 26.05.2023.

4. Learned counsel for the applicants submitted that present case is arising out of matrimonial dispute. He next submitted that parties have entered into compromise on 26.05.2023 and decided to live separately. He next submitted that applicant earlier approached this Court by filing Application U/s 482 Cr.P.C. No. 25609 of 2023, which was disposed of vide order dated 25.07.2023 with direction for verification of the compromise deed dated 26.05.2023. He next submitted that pursuant to order of this Court dated 25.07.2023, compromise has been rejected by the trial Court vide order dated 29.08.2023 on the ground that offence does not come within the purview of Section 320 Cr.P.C. He also submitted that criminal proceeding against the co-accused has already been quashed by this Court vide order dated 30.11.2023 passed in Application U/s 482 Cr.P.C. No. 42602 of 2023. He next submitted that in light of compromise entered between the parties, criminal proceeding against the applicants may also be quashed.

5. Learned A.G.A. could not dispute the aforesaid facts.

6. Sri Santosh Kumar Singh, learned counsel for the opposite party No. 2 has supported the case of the applicants and submitted that in case proceedings against the applicants is quashed, he would have no objection.

7. In view of the facts and circumstances of the case, the applicants and opposite party Nos. 2 do not want to pursue the case any further as stated by them. The matter has been mutually settled between the parties, therefore, no useful purpose would be served in proceeding with the matter further.

8. Thus in view of the well settled principle of law as laid down by the Hon'ble Apex Court in the matters of ***Krishnappa & Ors. vs. State of Karnataka; 2021 0 Supreme(SC) 529, Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors. vs. State of Gujarat and another; 2017 9 SCC 641, B.S. Joshi Vs. State of Haryana; 2003(4) SCC 675, Nikhil Merchant Vs. Central Bureau of Investigation and another; (2008) 9 Supreme Court Cases 677, Gian Singh Vs. State of Punjab; (2012) 10 SCC 303 and Narinder Singh & others Vs. State of Punjab and another; (2014) Supreme Today 642***, the proceedings of the aforesaid case is hereby quashed.

9. The present application is, accordingly **allowed**.

10. No order as to costs.

Order Date :- 6.12.2023

ADY