

Court No. - 86

Case :- APPLICATION U/S 482 No. - 42536 of 2023

Applicant :- Sumit Tandon And Another

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

Counsel for Applicant :- Shyam Shankar Mishra

Counsel for Opposite Party :- G.A., Dharmendra Kumar Dwivedi

Hon'ble Rajiv Gupta, J.

1. Sri Dharmendra Kumar Dwivedi, Advocate has filed vakalatnama on behalf of opposite party No. 2 today in Court, which is taken on record.

2. Heard learned counsel for the applicants, learned counsel for the opposite party No. 2, learned AGA for the State and perused the record.

3. This application under Section 482 Cr.P.C. has been filed with a prayer to quash the entire proceedings of Criminal Case No. 36286 of 2022 (State Vs. Sumit Tandon and others) arising out of Case Crime No. 285 of 2021, under Sections 498-A, 323, 506 IPC and Section 3/4 of D.P. Act, P.S. Majhola, District- Moradabad, pending in the court of Chief Judicial Magistrate, Moradabad.

4. Learned counsel for the applicants has submitted that opposite party No. 2 is the wife of applicant No. 1 and applicant No. 2 is her mother-in-law.

5. Learned counsel for the applicants has next submitted that on account of matrimonial discord, the instant criminal case was instituted against the applicants, however with the intervention of the respected members of both the family and society, the parties have amicably and genuinely settled all their disputes and differences and they do not have any grievance against each other.

6. Learned counsel for the applicants has next drawn the attention of the Court to a settlement-agreement dated 9.8.2023 drawn between the parties, a copy of which has been annexed as Annexure No. 4 to this application.

7. Learned counsel for the applicants has further submitted that pursuant to the aforesaid compromise, the applicants filed an

Application u/s 482 No. 32746 of 2023 before this Court, in which this Court had directed the parties to appear before the court below and get the said compromise verified vide order 3.10.2023. Pursuant to the said order, parties appeared before the court below and in presence of the parties, the said compromise has been verified and verification report/order dated 13.10.2023 has been passed, a copy of which has been annexed as Annexure No. 7 to this application.

8. Learned counsel for the applicants has next submitted that in view of the said compromise, which has already been verified and in order to maintain harmonious and cordial relations between them, entire proceedings be quashed against the applicants.

9. Learned counsel for the opposite party no.2 has also appeared and has acknowledged the said compromise and has stated, on instruction, that opposite party No. 2 has no objection if the entire proceedings are quashed.

10. Learned AGA could not dispute the aforesaid facts.

11. This Court is not unmindful of the judgements of the Apex Court in the cases of :-

1. B.S. Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675.

2. Nikhil Merchant Vs. Central Bureau of Investigation [2008] 9 SCC 677].

3. Manoj Sharma Vs. State and others (2008) 16 SCC 1.

4. Gian Singh Vs. State of Punjab (2012) 10 SCC 303.

5. 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 the law expounded by the Apex court in the aforesaid cases has been explained in detail.

12. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by the counsel for the

parties, the court is of the considered opinion that no useful purpose shall be served by prolonging the proceedings of the above mentioned case.

13. Accordingly, the entire proceedings of Criminal Case No. 36286 of 2022 (State Vs. Sumit Tandon and others) arising out of Case Crime No. 285 of 2021, under Sections 498-A, 323, 506 IPC and Section 3/4 of D.P. Act, P.S.Majhola, District- Moradabad, pending in the court of Chief Judicial Magistrate, Moradabad, are hereby quashed.

14. This application under Section 482 CrPC is accordingly allowed.

Order Date :- 13.12.2023

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