

Court No. - 87

Case :- APPLICATION U/S 482 No. - 42983 of 2023

Applicant :- Rohan Singh And 2 Others

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

Counsel for Applicant :- Ashish Goyal

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash the entire proceeding of Case No. 1424 of 2019 (Smt. Sushma Kumar Vs. Rohan Singh and another), under Section 12 of Protection of Women From Domestic Violence Act, 2005, Police Station- Etmaddaula, District- Agra, pending in the court of learned Additional Civil Judge(J.D.)/F.T.C.-I, Agra.

3. Learned counsel for the applicants submitted that present proceeding is arising out of a matrimonial dispute. He next submitted that earlier, opposite party No. 2 had initiated criminal proceeding against the applicants, being Case Crime No. 374 of 2019 under Section 498A, 323, 504, 506 IPC and 3/4 DP Act, which was challenged by the applicants by filing Application under Section 482 Cr.P.C. No. 12889 of 2022. He next submitted that in the said application, the matter was referred to Mediation Centre vide order dated 25.05.2022 and ultimately parties entered into settlement agreement on 13.11.2022. He next submitted on the basis of Mediation Report dated 13.11.2022, Application under Section 482 Cr.P.C. No. 12889 of 2022 was allowed by this Court vide order dated 08.02.2023. He next submitted that since the present proceeding is also pending between the same parties, therefore, in light of Mediation Report dated 13.11.2022, present criminal proceeding against the applicants may also be quashed.

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

5. In view of the facts and circumstances of the case, the applicants and opposite party no. 2 do not want to pursue the case any further as stated by them. The matter has been mutually settled between the parties on the basis of Mediation Report dated 13.11.2022 and

Application under Section 482 Cr.P.C. No. 12889 of 2022 has been allowed by this Court vide order dated 08.02.2023, therefore, no useful purpose would be served in proceeding with the matter further.

6. 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 Burea of Investigation and another; (2008) 9 Supreme Court Cases 677, Gian Singh Vs. Stated 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.

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

8. As the application is allowed at the stage of fresh case, liberty is given to opposite party No. 2 to file recall application, if there is concealment of any fact.

Order Date :- 23.11.2023

ADY