

Court No. - 92

Case :- APPLICATION U/S 482 No. - 43455 of 2023

Applicant :- Tarun And 2 Others

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

Counsel for Applicant :- Krishna Kant Dubey, Santosh Kumar Dubey

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta, J.

1. Heard Sri Santosh Kumar Dubey, learned counsel for the applicants and Sri Prem Prakash Tiwari, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of entire proceedings including the charge sheet dated 11.12.2020 and cognizance order dated 15.01.2021, arising out of Case Crime No.190 of 2020 (State Vs. Tarun and others), under Sections 498-A, 323, 506 I.P.C. and Section 3/4 D.P. Act, Police Station - Modi Nagar, District - Ghaziabad, pending before learned Additional Chief Judicial Magistrate, Court No.5, Ghaziabad, on the basis of compromise.

3. Learned counsel for the applicants submits that earlier the applicants had filed an Application U/S 482 No.31417 of 2023 (Tarun and 2 others Vs. State of U.P. and another), which was disposed of vide order dated 13.09.2023 directing the parties to appear before the trial court for verification of compromise entered into between the parties. Learned counsel for the applicants further submits that in terms of the aforesaid order, the parties had appeared before the trial court and vide order dated 27.10.2023 the said compromise between the parties has been verified. Learned counsel for the applicants further submits that in terms of compromise, the parties on mutual consent, have filed an application under Section 13-B of Hindu Marriage Act which is pending for final disposal. He has further submitted that 50% of the agreed amount has been paid to opposite party no.2 during filing of Application under Section 13-B of Hindu Marriage Act and the remaining amount has to be paid at the time of disposal or moving the second motion of Application under Section 13-B Hindu Marriage Act, before the Family Court. In view thereof, learned counsel for the applicants has prayed for quashing of entire

proceedings of the said case on the basis of compromise between the parties.

4. Learned A.G.A. does not dispute the factum of compromise between the parties.

5. Having heard the submissions made by learned counsel for the parties, this Court has carefully perused the record of the case and from perusal of record it is apparent that the instant complaint was filed against the applicants by opposite party no.2 due to matrimonial discord between the applicant no.1 and opposite party no.2. Subsequently, the parties have entered into compromise on 24.04.2023 and in pursuance thereof, the parties have filed an Application under Section 13-B of Hindu Marriage Act and part payment of agreed amount has already been paid by the applicants in favour of opposite party no.2 and the remaining amount has to be paid in second motion of the Application under Section 13-B of Hindu Marriage Act. The said compromise has already been verified by the trial court in terms of order dated 13.09.2023 passed by this Court in the earlier Application U/S 482 filed by the applicants herein. In view thereof, the matrimonial dispute between the parties, which was a private dispute and the same has been settled amicably outside the Court and compromise dated 24.04.2023 has been executed.

6. Therefore, in view of the judgements in the cases of **Gian Singh Vs. State of Punjab and another (2012) 10 SCC 303, Narinder Singh and others Vs. State of Punjab (2014) 6 SCC 466 and Prabatbhai Aahir alias Prabatbhai Bhimsinghbhai Karmur and others Vs. State of Gujarat and another (2017) 9 SCC 641**, the entire proceedings of the aforesaid criminal case are hereby **quashed**.

7. The instant application is **allowed**.

8. However, in case of any violation of terms of compromise by the applicants, the opposite party no.2 is free to approach this Court for recall of this order.

Order Date :- 4.12.2023

Atul