

Court No. - 89

Case :- APPLICATION U/S 482 No. - 45116 of 2023

Applicant :- Rahul Bisht And 3 Others

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

Counsel for Applicant :- Harish Chandra

Counsel for Opposite Party :- G.A.,Pawan Kumar Shukla

Hon'ble Deepak Verma,J.

1. Short counter affidavit filed today on behalf of opposite party no.2, is taken on record.
2. Heard learned counsel for the applicants, Sri Pawan Kumar Shukla, learned counsel for the opposite party no.2, learned A.G.A for the State and perused the record.
3. This application under Section 482 Cr.P.C. has been filed to quash the charge-sheet dated 01.03.2023, cognizance order dated 11.10.2023 as well as entire proceedings of Criminal Case No.4567 of 2023 arising out of Case Crime No.1338 of 2022 (State vs. Rahul Bisht and others), under sections 498A, 323, 506 I.P.C. & 3/4 Dowry Prohibition Act, Police Station Vijay Nagar, District Ghaziabad, pending in the court of Additional Chief Judicial Magistrate, Court No.2, Ghaziabad.
4. Learned counsel for the applicants submits that the applicant no.1 is husband of opposite party no.2. On account of some matrimonial dispute, opposite party no.2 lodged FIR against the applicants under aforesaid sections and now both the parties have amicably settled the dispute out of the Court and living together. Submission of the applicants is supported by Para-14 of the affidavit of application. Learned counsel for the applicants submits that parties have settled their dispute and there is no purpose to keep the proceeding pending against the applicants.
5. Sri Pawan Kumar Shukla, learned counsel appearing for the opposite party no.2 states he does not want to pursue the case further against the applicants as parties have compromised the matter and opposite party no.2 and applicant no.1 are living together.
6. Learned counsel for the applicants has placed reliance upon various judgements passed by 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) Shaifullah and others Vs. State of U.P. And another: 2013 (83) ACC 278 and (6) Parbatbhai Ahir@Parbatbhai @ Bhimsinbhai Karmur and others Vs. State of Gujarat and another: (2017) 9 SCC 641** has held that on the basis of

settlement arrived between the parties, proceeding can be quashed.

7. Considering the argument raised by learned counsel for the applicants and after perusal of record, it is a fit case to be interfered, hence, entire proceeding in Criminal Case No.4567 of 2023 arising out of Case Crime No.1338 of 2022 (State vs. Rahul Bisht and others), under sections 498A, 323, 506 I.P.C. & 3/4 Dowry Prohibition Act, Police Station Vijay Nagar, District Ghaziabad, pending in the court of Additional Chief Judicial Magistrate, Court No.2, Ghaziabad are hereby set aside and quashed. The application u/s482 Cr.P.C. is **allowed**.

Order Date :- 12.12.2023

SKD