

Court No. - 11

Case :- APPLICATION U/S 482 No. - 3515 of 2022

Applicant :- Gaurav Mishra And Others

Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Of Home Lko. And Another

Counsel for Applicant :- Alok Kumar Srivastava, Aakash Srivastava

Counsel for Opposite Party :- G.A., O.P. Tiwari, Pranav Pandey

Hon'ble Saurabh Lavania, J.

Heard learned counsel for the applicants, learned AGA for the State and perused the record.

Instant application under Section 482 Cr.P.C. has been preferred by the applicants/petitioners for the following main relief:-

"Wherefore, it is most respectfully prayed that this Hon'ble court may graciously be pleased to pass an order allowing the petition quashing the impugned order dated 04.02.2021 passed by the Chief Judicial Magistrate, Unnao by means of which he has taken cognizance and summons to the petitioners upon Charge Sheet No. 259/2020 dated 22.06.2020 arising out from the Case FIR/ Case Crime No. 1074 of 2019, Under sections 498-A, 323, 324, 325, 504, 506, 377 I.P.C. & 3/4 of DP Act, Police Station Kotwali, District Unnao in Criminal Case No. 2533/2021, State versus Gaurav Mishra and others in this case the petitioner no.1 has been summoned Under section 498-A, 323, 324, 325, 504, 506, 377 I.P.C. & 3/4 of DP Act and rest of the petitioners have been been summoned Under section 498-A, 323, 324, 325, 504, 506 I.P.C. & 3/4 DP Act."

Learned counsel for the applicants says that during pendency of the present application the parties have amicably settled their dispute out of the court and in terms of the said settlement after withdrawing the case preferred by the applicant No.1-Gaurav Mishra under Section 13 of the Hindu Marriage Act, 1955 (in short "Act of 1955") a suit seeking dissolution of marriage under Section 13-B of the Act of 1955 was preferred on 18.08.2023 and in the said case/suit, next date fixed is 29.02.2024. As such, present application may be considered and disposed of in terms of settlement arrived between the parties.

Whether the parties have, in fact, compromised the matter or not, can best be ascertained by the Trial Court as such compromise has to be duly verified in presence of the parties concerned before the Court.

Considering the aforesaid, this application is **disposed of** finally in following terms:-

(i) The parties to the proceedings, in issue, shall appear and file the compromise before the concerned Court within two week's from today.

(ii) If the parties appear before the concerned Court in terms of above, the concerned Court shall proceed to verify the compromise between the parties to the proceedings and prepare a report to the same effect and the original compromise deed be made part of record.

(iii) The concerned Court shall conclude the process of verification of compromise within two week's from the date of production of copy of this order.

(iv) The concerned Court shall permit the parties to the proceedings to obtain the certified copy of the report as well as compromise deed.

(v) It shall be open to the applicants to approach this Court again for quashing of the proceedings.

(vi) For a period of six weeks, no coercive action shall be taken against the applicants in the aforesaid case.

Order Date :- 23.11.2023

Vinay/-