

Court No. - 28

Case :- APPLICATION U/S 482 No. - 5174 of 2023

Applicant :- Irfan Khan

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

Counsel for Applicant :- Sharvan Kumar Pandey, Km. Anjali Gautam

Counsel for Opposite Party :- G.A., Dinesh Kumar Chaudhary

Hon'ble Shree Prakash Singh, J.

Heard Sri Sharvan Kumar Pandey, counsel for the applicant, Sri Nirmal Kumar Pandey, learned A.G.A. for the State, Sri Dinesh Kumar Chaudhary, learned counsel for opposite party no. 2 and perused the material placed on record.

Instant application has been filed with prayer to quash the impugned order dated 28.09.2022 passed by learned Civil Judge Balrampur in complaint case no. 273 /2022(Smt. Shahjahan vs. Irfan Khan) by means of which the learned court has summoned the petitioner under section 323, 498 A 506 IPC & 3/4 of D.P.Act and further prayed to stay the proceedings in complaint case no. 273/2022 by means of which the learned Civil Judge Balrampur has summoned the petitioner under section 323, 498 A 506 IPC & 3/4 of D.P.Act.

Learned counsel appearing for the applicants submits that vide order dated 06.06.2023, the matter was referred to the Mediation and Conciliation Centre of this Court, wherein, both the parties appeared and they have settled their dispute amicably. He next added that the settlement agreement has also been executed between the parties and all the parties signed over there.

Adding his argument he submits that now there is no dispute in between the parties and further criminal proceedings would be futile exercise and amount to harassment of the applicant and thus, submission is that the criminal proceedings against the present applicant may be quashed.

Learned counsel appearing for the opposite party no. 2 has also supported the version of learned counsel for the applicants and submits that now there is no grievance remains in between the parties, therefore the criminal proceedings against the present applicants may be dropped.

Learned counsel for the State has no objection to the submissions aforesaid.

Considering the submissions of learned counsels for the parties, it transpires that there was certain dispute in between the present applicants and opposite party no. 2, thereafter, they sat together and have settled their dispute before the Mediation and Conciliation Centre and that too has been reduced in writing as settlement agreement dated 06.10.2023.

This Court further noticed the fact that the Mediation Center has also sent its report dated 06.10.2023 whereby it has been reported that Mediation is successful and completed.

A copy of the settlement agreement dated 06.10.2023 has also been enclosed along with the report of the Mediator.

Resultantly, the entire criminal proceedings of Complaint Case No. 273 of 2022 (Smt. Shahjahan vs. Irfan Khan) under section 323, 498 A 506 IPC & 3/4 of D.P.Act at Police Station Harraiya, District- Balrampur are hereby quashed.

The settlement agreement dated 06.10.2023 shall be the part of this order.

Consequences to be followed.

Consigned to record.

Order Date :- 17.10.2023

Mayank