

Court No. - 12

Case :- CRIMINAL REVISION No. - 158 of 2016

Revisionist :- Sadik Ali And Ors.

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

Counsel for Revisionist :- Nagendra Bahadur Singh, Alok Singh, Nagendra Bahadur Singh, Vijay Kumar

Counsel for Opposite Party :- Govt. Advocate, Ashok Kumar Srivastava

Hon'ble Rajeev Singh, J.

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

2. The present criminal revision is filed against the order dated 9.2.2016 passed by Additional Sessions Judge, Court No.5, District Pratapgarh in Criminal Appeal No.7/2015, "*Sadik & Ors. Vs. State of U.P. & Anr.*" as well as the judgment and order dated 30.1.2015 passed by Additional Chief Judicial Magistrate, Court No.13, Pratapgarh in Criminal Case No.1943 of 2014, "*Najmul Nisha Vs. Arman Ali & Ors.*" under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 D.P. Act, Police Station Raniganj, District Pratapgarh.

3. Learned counsel for the revisionists has submitted that as per the prosecution case, marriage of the private respondent was solemnized with the revisionist no.5, and out of their wedlock, one child was born, thereafter, she was being victimized for demand of dowry, i.e., motor cycle and color T.V. Thereafter, on 24.8.2005 at about 12:00 p.m., all the revisionists given beating to her and was also ousted by saying that she will be divorced and revisionist no.5 will solemnize marriage with a girl having equal status, then, she came to her parents house and made a complaint to the Police Station Raniganj, Pratapgarh on 22.9.2005 but no action was taken against them, then complaint case was filed on 12.12.2005. After recording the statement under Section 200 and 202 Cr.P.C., summoning order was passed under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 D.P. Act. Thereafter, under Section 244 Cr.P.C., statement of complainant (P.W.1), Hazrat Ali (P.W.2) and Mohd. Fareed (P.W.3) were

recorded and on 12.12.2008, charge was framed against revisionists under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 D.P. Act. Thereafter, under Section 246 Cr.P.C., all the aforesaid public witnesses were cross examined and statement of revisionists were recorded under Section 313 Cr.P.C., thereafter, revisionists were convicted under Sections 498-A, 323 I.P.C. and Section 3/4 D.P. Act, vide order dated 30.1.2015 passed by the learned Additional Chief Judicial Magistrate, Court No.13, Pratapgarh in Criminal Case No.1943 of 2014.

4. Learned counsel for the revisionists further submitted that appeal was filed before the Additional Sessions Judge, Pratapgarh, which was registered as Criminal Appeal No.7/2015 and was decided by Additional Sessions Judge, Court No.6, Pratapgarh vide judgment and order dated 9.2.2016 by rejecting the appeal and conviction order of the revisionists was upheld, thereafter, present criminal revision was filed. He next submitted that during the pendency of revision, parties decided to settle the dispute by way of compromise, and all the issues has already been decided between the parties before the Principal Judge, Family Court in Case No. 282/2022 and Rs.5,00,000/- has also been given to the private respondent and compromise was also executed between the parties on 1.8.2023, which is part of the supplementary affidavit dated 18.8.2023. He also relied on the decision of Hon'ble Apex Court in the case of **Manohar Singh Vs. State of Madhya Pradesh & Anr.** reported in **(2014) 13 SCC 75** and submitted that as the matrimonial dispute has been resolved, therefore, in terms of compromise, the judgment of the trial court as well as appellate court are liable to be set aside.

5. Learned counsel for the complainant has also submitted that issue has already been resolved in between the parties by way of compromise and he has no objection, in case, the criminal revision is allowed by setting aside the orders passed by the court below.

6. Learned A.G.A. opposed the prayer of the applicant but he does not dispute this fact that

prosecution in question is a result of matrimonial dispute and in terms of compromise, the criminal revision may be allowed.

7. Considering the submissions of learned counsel for the parties, going through the record as well other relevant documents, as the prosecution case is a result of matrimonial dispute and the issue has already been resolved by way of compromise, as complainant is also requested that judgment of the trial court as well as appellate court may be set aside, as all are enjoying their life with their own way, therefore, this Court is of the view that revision is liable to be allowed by setting aside the order of the trial court as well as appellate court.

8. In view of the above, the present criminal revision is **allowed** and order dated 9.2.2016 passed by Additional Sessions Judge, Court No.5, District Pratapgarh in Criminal Appeal No.7/2015, "*Sadik & Ors. Vs. State of U.P. & Anr.*" as well as the judgment and order dated 30.1.2015 passed by Additional Chief Judicial Magistrate, Court No.13, Pratapgarh in Criminal Case No.1943 of 2014, "*Najmul Nisha Vs. Arman Ali & Ors.*" under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 D.P. Act, Police Station Raniganj, District Pratapgarh, are hereby **quashed**.

9. Office is directed to communicate this order to the court below as well as S.H.O., Police Station Raniganj, District Pratapgarh, forthwith.

Order Date :- 24.11.2023

Gaurav/-