

Court No. - 9

Case :- APPLICATION U/S 482 No. - 6102 of 2023

Applicant :- Mohd. Yakub And Others

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

Counsel for Applicant :- Arbab Hussain Zaidi, Prateek Tewari, Raj Nath Singh

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh, J.

1. As prayed by Shri Prateek Tewari, learned counsel for the applicant, the name of the opposite party no.2 is permitted to be corrected during the course of the day.

2. The present application under Section 482 Cr.P.C. has been filed seeking quashing of the charge sheet no.01 dated 24.11.2021 under Sections 498A, 323, 504, 506 I.P.C. and 3/4 of D.P. Act arising out of F.I.R. No.467 of 2020 dated 29.11.2020 and its summoning order dated 01.04.2022 passed by Additional Chief Judicial Magistrate IV, Lucknow.

3. The ground for quashing of the impugned proceedings is the compromise arrived at between the parties. A copy of said compromise dated 26.09.2022 has been annexed as Annexure No.4 to this application.

4. The applicant no.1 and opposite party no.2 are present before this Court and have been duly identified by their respective counsel, namely Shri Prateek Tewari and Sandeep Kumar Singh.

5. The opposite party no.2 has categorically stated that she lodged the F.I.R. No.467 of 2020 on 20.11.2020, P.S. Bajarkhala, District- Lucknow under Section 498A, 323, 504, 506 I.P.C. and 3/4 D.P. Act. However, considering the interest of the family and the child born out of the wedlock, she has settled the dispute with the applicant no.1 and she does not want to prosecute the opposite parties any further.

4. I have considered the submissions of learned counsel for the parties.

5. Considering the ratio laid down by the Supreme Court in the cases of **B. S. Joshi and others** versus **State of Haryana and**

another : (2003) 4 SCC 675, Nikhil Merchant versus C.B.I. and another : (2008) 9 SCC 677, Manoj Sharma versus State and others : (2008) 16 SCC 1, Gian Singh versus Station of Punjab: (2010) 15 SCC 118 and Narinder Singh and others versus State of Punjab and another: (2014) 6 SCC 466, it would be appropriate in the facts and circumstances of the case to quash the criminal proceedings as continuance of the proceedings in pursuance of the criminal proceedings would be an exercise in futility.

6. In view of the fact that the parties have settled their dispute outside the Court by way of compromise arrived at between the parties and law laid down by the Supreme Court of India, the present application is ***allowed*** and proceedings of the Case Crime No.467/2020 are hereby quashed.

Order Date :- 23.6.2023

V. Sinha