

Court No. - 12

Case :- APPLICATION U/S 482 No. - 7321 of 2018

Applicant :- Akarsh Agarwal And Another

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

Counsel for Applicant :- Mohan Lal, Anurag Rai, Surya Narayan Singh

Counsel for Opposite Party :- Govt. Advocate, Ajit S. Gaherwar, Km. Prem Prakasheni, Satya Narain Mishra

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. The present application under Section 482 Cr.P.C. is filed with the prayer to quash the proceeding of Case No.41978 of 2018, arising out of Case Crime No.294/2017 under Section 498-A, 323, 506 I.P.C. and Section 3/4 D.P. Act, Police Station Alambgah, District Lucknow.
3. In pursuance of earlier order, applicant no.1 and private respondent are present and they have been duly identified by their respective counsels.
4. It is evident from the record, that marriage of the applicant no.1 was solemnized with the private respondent on 5.6.2015 but due to some trivial issues, the F.I.R. of case in question was lodged and thereafter, charge sheet was filed and during the pendency of trial, divorce petition was filed under Section 13-B of Hindu Marriage Act with the settlement that Rs.22 lakh be paid by the applicant as alimony to the private respondent and some amount has already been deposited in the court of Principal Judge, Family Court, Lucknow.
5. Private respondent has no objection, in case, proceeding of case in question is quashed.
6. Learned A.G.A. have no objection, in case, impugned proceeding is quashed.
7. Considering the submissions of learned counsel

for the parties, going through the record as well as statement of the private respondent, it is evident that prosecution case is related to the matrimonial dispute and now issue has already been resolved by way of settlement as mentioned in the petition under Section 13-B of Hindu Marriage Act, which is pending before the Family Court, Lucknow and some money has already been deposited before the court of Principal Judge, Family Court, Lucknow, therefore, the impugned proceeding has lost its efficacy and liable to be set aside.

8. In view of the above, the present application under Section 482 Cr.P.C. is **allowed** and the proceeding of Case No.41978 of 2018, arising out of Case Crime No.294/2017 under Section 498-A, 323, 506 I.P.C. and Section 3/4 D.P. Act, Police Station Alambgah, District Lucknow is quashed.

9. Office is directed to communicate this order to the learned court below forthwith.

Order Date :- 19.10.2023

Gaurav/-