

Court No. - 12

Case :- APPLICATION U/S 482 No. - 9006 of 2023

Applicant :- Neeraj Kumar Rawat

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

Counsel for Applicant :- Apoorva Jyoti,Aman
Shankar,Siddhant Mishra

Counsel for Opposite Party :- G.A.,Rajendra Prasad,Vivek
Kumar

Hon'ble Rajeev Singh,J.

1. Supplementary affidavit filed by learned counsel for the applicant along with the joint compromise dated 16.12.2023 duly signed by applicant as well as private respondent is taken on record.
2. In pursuance of earlier order, private respondent is present before this Court and stated that she has no objection, in case, the impugned proceedings are quashed.
3. Heard learned counsel for the applicant, learned counsel for private respondent as well as learned A.G.A. for the State and perused the record.
4. Present application has been moved by the applicants for quashing the entire proceedings including the summoning order dated 17.05.2023 passed by A.C.J.M.-II, Lucknow in Case No.7232/2021 and charge sheet dated 31.05.2020 in Case Crime No.69 of 2020 U/S 506 I.P.C., P.S. Mall, District-Lucknow.
5. Learned counsel for the applicant submitted that due to some matrimonial dispute, the impugned proceedings were initiated by the private respondent, He further submitted that by way of compromise, all the issues have already been resolved. He further submitted that the petition under Section 13B of Hindu Marriage Act was filed before the Additional Principal Judge, Family Court No.8, Lucknow which was registered as Case No.1818/2023 and in para 14 of the affidavit in support of the aforesaid petition, private respondent has consented that she will not prosecute the applicant and she will also withdraw all the cases filed by her, as all the cases have already been withdrawn by the parties, as mentioned in para 6-7 of the compromise, therefore, impugned proceeding may also be quashed.

6. Learned A.G.A. as well as learned counsel for the private respondent conceded the submission of learned counsel for the applicant and submitted that they have no objection in case, the impugned proceedings are quashed as the issue has already been resolved between the parties by way of a compromise.

7. Considering the submissions of learned counsel for the parties, going through the contents of application, supplementary affidavit and joint compromise filed today as well as other relevant documents, genesis of the case in question was matrimonial dispute between the parties, as all the cases except the present one have already been withdrawn by the parties, therefore, I am of the view that the trial of the case in question would be futile one.

8. Accordingly, the application is **allowed** and the entire proceedings including the summoning order dated 17.05.2023 passed by A.C.J.M.-II, Lucknow in Case No.7232/2021 and charge sheet dated 31.05.2020 in Case Crime No.69 of 2020 U/S 506 I.P.C., P.S. Mall, District- Lucknow. are hereby **quashed**.

9. Office is directed to communicate this order to the trial court.

Order Date :- 18.12.2023

V. Sinha