

Court No. - 11

Case :- APPLICATION U/S 482 No. - 8460 of 2022

Applicant :- Mohan Murari Srivastav

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

Counsel for Applicant :- Himanshu Suryavanshi

Counsel for Opposite Party :- G.A.,Akhilesh Pratap Singh

Hon'ble Saurabh Lavania,J.

Heard learned counsel for the applicant, learned AGA for the State of U.P. and gone through the record.

The present application under Section 482 Cr.P.C. has been filed to quash the entire proceedings of Criminal Case No. 3806 of 2021 (State vs. Mohan Murari Srivastava) arising out of Case Crime No. 109 of 2020, under Sections 498-A, 323, 504, 427 IPC, Police Station Meelarea, District Raebareli pending in the court of Chief Judicial Magistrate, Raebareli as well as charge sheet no. 86 of 2020 dated 21.03.2020 and cognizance/summoning order dated 26.03.2021.

It appears that on the basis of the submissions made by the learned counsel for the applicant, this Court vide its order dated 28.02.2023 referred the matter to Mediation Centre of this Court so as to carve out possibility of amicable settlement of dispute between the parties.

It also appears that in compliance of order of this Court dated 28.02.2023, a SETTLEMENT AGREEMENT has entered into between applicant/husband and opposite party No. 2/wife on 06.12.2023 thereby indicating that the parties were present and they have admitted that they have entered into an agreement voluntarily and their signatures have been verified by their respective counsels.

For the relief(s) sought, on the basis of SETTLEMENT AGREEMENT, the learned counsel for the applicant has placed reliance on the judgments of the Apex Court in the case of *Romgopal and others Vs. State of Madhya Pradesh, 2022 (1) SCJ 536, Gian Singh Vs. State of Punjab [2012 10 SCC 303], Mohd. Ibrahim Vs. State of U.P., 2022 SCC Online ALL 106, Gold Quest International Ltd. Vs. State of Tamilnadu, 2014 (15) SCC 235, B.S. Joshi Vs. State of Haryana, 2003 (4) SCC 675, Jitendra Raghuvanshi Vs. Babita Raghuvanshi, 2013(4) SCC 58, Madhavarao Jiwajirao Scindia Vs. Sambhajirao Chandrojirao Angre, 1988 1 SCC 692, Nikhil Merchant Vs.*

C.B.I. and another, 2008(9) SCC 677, Manoj Sharma Vs. State and others, 2008(16) SCC 1, State of M.P. Vs. Laxmi Narayan and others, 2019(5) SCC 688, Narindra Singh and others Vs. State of Punjab and another, (2014) 6 SCC 466, Manoj Kumar and others Vs. State of U.P and others (2008) 8 SCC 781, Union Carbide Corporation and others Vs. Union of India and others (1991) 4 SCC 584, Manohar Lal Sharma Vs. Principal Secretary and others (2014) 2 SCC 532 and Supreme Court Bar Association Vs. Union of India (1998) 4 SCC 409.

Learned Additional Government Advocate could not dispute the fact that a SETTLEMENT AGREEMENT has been entered into between the parties on 06.12.2023 and now the opposite party no. 2 does not want to proceed with the proceedings in issue.

Considering the submissions advanced by learned counsel for the parties and perusing the SETTLEMENT AGREEMENT dated 06.12.2023 as also taking note of the observations made by Hon'ble Apex Court in the judgments, referred above, and the nature of dispute/crime, which is essentially matrimonial in nature, this Court is of the view that no purpose would be served in keeping the proceedings pending before the trial court and hence, entire proceedings of Criminal Case No. 3806 of 2021 (State vs. Mohan Murari Srivastava) arising out of Case Crime No. 109 of 2020, under Sections 498-A, 323, 504, 427 IPC, Police Station Meelarea, District Raebareli pending in the court of Chief Judicial Magistrate, Raebareli as well as charge sheet no. 86 of 2020 dated 21.03.2020 and cognizance/summoning order dated 26.03.2021 are hereby quashed in terms of the SETTLEMENT AGREEMENT dated 06.12.2023.

The present application U/S 482 Cr.P.C. is accordingly ***allowed*** in above terms.

Office/Registry is directed to send the copy of this order to concerned court forthwith.

Order Date :- 19.12.2023

Jyoti/-