

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 7852 of 2023

Petitioner :- Prakhar Mishra And Others

Respondent :- State Of U.P. Thru. Addl. Chief Secy./Prin. Secy. Home Deptt. Lko. And Others

Counsel for Petitioner :- Farhat Jamal Siddiqui

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

1. Heard learned learned counsel for the petitioners, learned A.G.A. for the State and Sri Samanvya Dhar Dwivedi along with Sri Abhishek Mishra, Advocates, who have filed power on behalf of the respondent no.3, which is taken on record.

2. This petition has been filed with the following main prayer:-

"(a) To issue a writ order or direction of or in the nature of certiorari quashing the impugned F.I.R. no.0542/2022 dated 13.07.2022 registered, Under Sections -323, 504, 506, 498-A and Section 3/4 Dowry Prohibition Act, Police Station- Kotwali City, District- Hardoi as contained in Annexure-2 to this petition."

3. Learned counsel for the petitioners states that the petitioners had earlier filed one Criminal Misc. Writ Petition No.7991 of 2022: *Prakhar Mishra and others Vs. State of U.P. and others*, praying for quashing of F.I.R. No.0542 of 2022 dated 13.07.2022 registered under Sections 323, 504, 506, 498-A I.P.C. and Section 3/4 of Dowry Prohibition Act, Police Station- Kotwali City, District Hardoi. The said writ petition was dismissed by this Court by a detailed order dated 04.07.2023, a copy of which has been filed as annexure to the petition.

4. The present petition has been filed with the same prayer only because of the changed circumstances as the respondent no.3 has now entered into a compromise with the petitioners. The original compromise has been filed as annexure-4 to the petition.

5. Sri Samanvya Dhar Dwivedi along with Sri Abhishek Mishra, Advocates, do not dispute this argument advanced by the counsel for the petitioners.

6. It has been submitted by learned counsel for the petitioners that one of the conditions in the compromise was that Rs.22,50,000/- (Twenty Two Lakhs Fifty Thousand Only) was agreed upon as full and final settlement of all claims of the respondent no.3 over the petitioners and which shall be handed over in Court. Petitioners have prepared the draft of Rs.20,00,000/- (Twenty Lakhs Only) and a cheque of Rs.2,50,000/- (Two Lakhs and Fifty Thousand Only).

7. The respondent no.3- Smt. Rupali Trivedi is present in Court and she has been identified by her counsel. She says that she is not under duress and she has willingly entered into the compromise. The Cheque bearing no.824979 amounting to Rs.2,50,000/- (Two Lakhs Fifty Thousand Only) and the draft bearing No.079011 amounting to Rs.20,00,000/- (Twenty Lakhs Only) have been handed over to the respondent no.3 in Court today.

8. This petition is ***disposed of*** with a direction to the petitioners to produce the original compromise before the Investigating Officer concerned within a week. The Investigating Officer shall verify the same and take appropriate action, in accordance with law, within a period of three weeks thereafter.

9. For a period of four weeks or till such a decision is taken by the Investigating Officer, the petitioners shall not be arrested in pursuance of the impugned F.I.R. No.0542/2022 dated 13.07.2022 under Sections 323, 504, 506, 498-A and Section 3/4 of Dowry Prohibition Act, Police Station- Kotwali City, District Hardoi.

10. The office is directed to return the original compromise to the petitioners after retaining a photocopy of the same.

Order Date :- 11.10.2023
Rahul