

Court No. - 28

Case :- APPLICATION U/S 482 No. - 10255 of 2023

Applicant :- Mobeen And 3 Others

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

Counsel for Applicant :- Narendra Gupta

Counsel for Opposite Party :- G.A.,Alok Mishra

Hon'ble Shree Prakash Singh,J.

Sri Alok Mishra, Advocate, has put in appearance by filing Vakalatnama on behalf of the opposite party no.2 and the same is taken on record.

Heard Sri Dharmendra Pal Gupta, Advocate, holding brief of Sri Narendra Gupta, Sri Alok Mishra, learned counsel for opposite party no.2, Sri Nirmal Kumar Pandey, learned AGA for the State and perused the record.

By means of the instant application, the applicants have prayed for quashing of the entire criminal proceedings of Case No.1840/2022 (State Vs. Mobeen and others) relating to Case Crime No. 0393/2021, under sections 498A, 323, 504, 506 of I.P.C. and section 3/4 of Dowry Prohibition Act, Police Station-Biswan, District- Sitapur, and charge sheet dated 26.9.2021 thereof, as well as the summoning order dated 02.02.2022, passed by Additional Civil Judge (J.D.) Sitapur, on the basis of compromise executed between the petitioners and complainant on 28.2.2023.

Learned counsel appearing for the applicant submits that the matter pertains to the matrimonial dispute and due to some misunderstanding the instant FIR was lodged and thereafter the parties sat together and they have settled their dispute and that too has been reduced in writing as a compromise deed dated 28.02.2023. Adding his arguments, he submits that now the parties have put their all disputes at rest by way of executing compromise deed and thus further criminal proceedings against the present applicant would be a futile exercise and amount to harassment of the applicants.

Adding his arguments, he also submits that this Hon'ble Court vide order dated 04.08.2023 has referred the matter for compromise verification in Application U/S 482 Cr.P.C. No.7539 of 2023 and in compliance of the aforesaid order, both

the parties have appeared before the court below and the compromise deed dated 28.02.2023 has been verified in presence of all concerned parties and the order of verification was passed on 29.08.2023 by the Additional Civil Judge (Junior Division), Court No.2/ Judicial Magistrate, Sitapur. He next added that now the matter has been compromised between the parties, therefore, the proceedings of Case No.1840/2022 (State Vs. Mobeen and others) arising out of Case Crime No. 0393/2021 may be quashed.

Learned counsel for the opposite party no.2 has also supported the version of the applicant and submits that the parties have entered into compromise deed and now there is no dispute in between the parties and thus the criminal proceeding against the applicant may be dropped.

Learned AGA appearing for the State has no objection to the contentions aforesaid.

In view of the above, as the applicant and opposite parties have entered into compromise on 28.02.2023 and no grievance remains to be agitated and said compromise has been verified on 29.08.2023 and now, as per the statement of learned counsel for the parties, they do not want to press the aforementioned case, as such, further criminal proceedings in the aforementioned case are liable to be set aside in view of the Judgements of the Apex Court rendered in **B.S. Joshi and others Vs. State of Haryana and another (2003)4 SCC 675; Nikhil Merchant Vs. Central Bureau of Investigation[2008]9 SCC 677; Manoj Sharma Vs. State and others (2008) 16 SCC 1; Gian Singh Vs. State of Punjab (2012) 10 SCC 303; and Narindra Singh and others Vs. State of Punjab (2014) 6 SCC 466.**

Resultantly, the proceedings of Case No.1840/2022 (State Vs. Mobeen and others) arising out of Case Crime No. 0393/2021, under sections 498A, 323, 504, 506 of I.P.C. & section 3/4 of Dowry Prohibition Act, Police Station- Biswan, District-Sitapur, are hereby **quashed**.

The compromise deed shall be part of this order.

Consequences to be followed.

The application is **allowed** accordingly.

Order Date :- 18.10.2023

Manoj K.