

**Court No. - 12**

**Case :-** APPLICATION U/S 482 No. - 11709 of 2023

**Applicant :-** Ashish Kumar Verma

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

**Counsel for Applicant :-** Mahima Dixit, Sharad Tiwari, Vivek Pandey

**Counsel for Opposite Party :-** G.A., Pradeep Kumar Shukla

**Hon'ble Rajeev Singh, J.**

1. In pursuance of earlier order, parties are present and they have been duly identified by their counsel. Applicant also produced to demand drafts bearing nos. 10264 and 10275 dated 12.12.2023 and 18.12.2023 of S.B.I., Balrampur Branch amount Rs. 6,00,000/- and Rs. 5,00,000/- respectively in the name of private respondent and the original drafts are handed over to the private respondent. Private respondent stated that as the disputed amount has already been paid to her, therefore, she has no objection in case the impugned proceedings are quashed.

2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

3. Present application has been moved by the applicant for quashing the entire proceedings as well as summoning order dated 28.09.2013 passed by Additional Civil Judge-VII/Judicial Magistrate, Gonda in Criminal Case No. 1344/2012 U/S 498A, 323 I.P.C. and Section 3/4 of D.P. Act.

4. Learned counsel for the applicant submitted that the prosecution in question is a result of some matrimonial dispute between the parties. He further submitted that dispute between the parties has already been settled by way of a compromise dated 14.12.2023 and disputed amount has already been paid to the private respondent by the applicant, therefore, impugned proceedings may be quashed.

5. Learned A.G.A. has no objection, in case, the impugned proceedings are quashed as the disputed amount has already been paid to the private respondent.

6. Considering the submissions of learned counsel for the parties, going through the contents of application, compromise dated 14.12.2023, as well as other relevant documents, as the genesis of the case is matrimonial dispute and the issue has

already been resolved between the parties by way of compromise dated 14.12.2023 and the disputed amount has already been paid to the private respondent, therefore, prosecution in question will be futile one.

7. Accordingly, the application is **allowed** and the entire proceedings as well as summoning order dated 28.09.2013 passed by Additional Civil Judge-VII/Judicial Magistrate, Gonda in Criminal Case No.1344/2012 U/S 498A, 323 I.P.C. and Section 3/4 of D.P. Act. are hereby **quashed** in terms of compromise dated 14.12.2023 and statement of private respondent given before this Court today.

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

**Order Date :- 20.12.2023**

V. Sinha