

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11346 of 2023

Applicant :- Brij Mohan Sahu And 3 Others

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

Counsel for Applicant :- Rajesh Kumar, Shivam Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

Heard learned counsel for the applicants, learned AGA for the State and perused the record.

Instant application under Section 482 Cr.P.C. has been preferred by the applicants/petitioners for quashing the summoning order(s) dated 04.12.2018 and 04.10.2019 passed by the Chief Judicial Magistrate, Ambedkar Nagar in Criminal Case No. 306828 of 2018 arising out of FIR No. 27/2018, under Sections 498A/323/504 IPC and 3/4 Dowry Prohibition Act (State of U.P. Versus Brij Mohan and Others), Police Station Tanda, District Ambedkar Nagar.

Affidavit in response to the present application filed today on behalf of informant (opposite party no.2/wife of applicant no.1), is taken on record.

Considering the averments made in the application under Section 482 Cr.P.C. as also made in paragraph nos. 5 to 8 of the affidavit filed by opposite party no. 2, it appears that after lodging the FIR on 24.02.2018 the matrimonial dispute has amicably settled and the opposite party no. 2/Mala is living with applicant no.1, the present petition is disposed of finally in following terms:-

(i) The parties to the proceedings i.e. Criminal Case No. 306828 of 2018 arising out of FIR No. 27/2018, under Sections 498A/323/504 IPC and 3/4 Dowry Prohibition Act (State of U.P. Versus Brij Mohan and Others), Police Station Tanda, District Ambedkar Nagar, shall appear before the concerned Court and file their compromise deed, within three weeks from today.

(ii) If the parties appear before the concerned Court in terms of above, the concerned Court shall proceed to verify the compromise between the parties to the proceedings and prepare a report to the same effect and the original compromise deed be made part of record.

(iii) The concerned Court shall conclude the process of verification of compromise within two week's from the date of production of copy of this order.

(iv) The concerned Court shall permit the parties to the proceedings to obtain the certified copy of the report as well as compromise deed.

(v) It shall be open to the applicants to approach this Court again for quashing of the proceedings.

(vi) For a period of three months, no coercive action shall be taken against the applicants in the aforesaid case.

Order Date :- 18.11.2023

Jyoti/-