

Court No. - 12

Case :- APPLICATION U/S 482 No. - 12583 of 2023

Applicant :- Ramesh Soni @ Ramesh Kumar

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

Counsel for Applicant :- Satvinder Singh, Prince Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Vakalatnama filed by Shri Akhil Anand, Advocate on behalf of private respondent is taken on record.

2. Heard learned counsel for the applicant, learned counsel for the private respondent as well as learned A.G.A. for the State and perused the record.

3. Present application has been moved by the applicant for quashing the charge sheet dated 04.04.2019 in Case Crime No.0164 of 2019 U/S 306 I.P.C. P.S. Madiyaon, District-Lucknow as well as entire proceedings of Case No.0110/2019 pending in the Court of J.M.-IV, Lucknow.

4. Learned counsel for the applicant submitted that the marriage of applicant was solemnized with daughter of private respondent and they were enjoying their matrimonial life and from their wedlock, two children were born, at the time of incident, children were aged about 5 years and 3 years. He further submitted that wife of applicant committed suicide by hanging herself and due to annoyance, F.I.R. of case in question was lodged, thereafter, charge sheet was filed by the Investigating Officer in the most mechanical manner. He further submitted that no offence under Section 306 I.P.C. is made out, as now the private respondent is also being maintained by the applicant and she also gave in writing by way of a notarial affidavit that she does not want to prosecute the applicant. He further submitted that the said document was verified by the trial court, therefore, impugned proceedings may be quashed.

5. Learned counsel for the private respondent supported the arguments of learned counsel for the applicant and submitted that due to annoyance, F.I.R. of case in question was lodged and now the applicant is maintaining the private respondent along with his children. He further conceded this fact that it is case of suicide and no evidence of abetment was found. He further submitted that he has no objection, in case, the impugned

proceedings be quashed.

6. Learned A.G.A. opposed the prayer of applicants and submitted that after detailed investigation, charge sheet was filed but he does not dispute this fact that the medico-legal report reveals that it is a case of suicide by hanging.

7. Considering the submissions of learned counsel for the parties, going through the contents of application, written documents duly signed by the applicant and private respondent and verified by the trial court, as well as other relevant documents, as the private respondent and children of applicants are being maintained by the applicant itself, as the deceased was daughter of private respondent and she committed suicide by hanging herself and due to annoyance, F.I.R. of case in question was lodged, as there is no ingredient of abetment, as the private respondent does not want to prosecute the applicant, therefore, the impugned prosecution will be futile one.

8. Accordingly, the application is **allowed** and the entire proceedings of Case No.0110/2019 pending in the Court of J.M.-IV, Lucknow including the charge sheet dated 04.04.2019 in Case Crime No.0164 of 2019 U/S 306 I.P.C. P.S. Madiyaon, District- Lucknow are hereby **quashed**.

Order Date :- 22.12.2023

V. Sinha