

Court No. - 11

Case :- APPLICATION U/S 482 No. - 12283 of 2023

Applicant :- Shaina Jain

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

Counsel for Applicant :- Anadi Kumar Singh

Counsel for Opposite Party :- G.A.,Israr Ahmad,Mohd. Nafees

with

Case :- APPLICATION U/S 482 No. - 9832 of 2023

Applicant :- Shaina Jain

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

Counsel for Applicant :- Anadi Kumar Singh,Shailendra Pratap Singh

Counsel for Opposite Party :- G.A.

with

Case :- APPLICATION U/S 482 No. - 9034 of 2023

Applicant :- Diplu Jain And Another

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

Counsel for Applicant :- Anadi Kumar Singh,Shailendra Pratap Singh

Counsel for Opposite Party :- G.A.,Imran Ahmad Siddiqui,Mihammad Kaleem,Mohd. Nafees

Hon'ble Saurabh Lavania,J.

Short counter affidavit filed today is taken on record.

Heard Sri Anadi Kumar Singh, learned counsel for the applicants, Mohd. Nafees, who put in appearance on behalf of opposite party No.2-Informant/complainant as also learned AGA.

In the APPLICATION U/S 482 No. - 12283 of 2023, the following relief has been sought:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to quash the entire proceedings of Criminal Case No.90766 of 2022; State Versus Shaina Jain, arising out of Case Crime No.923 of 2021, under sections-323, 504 I.P.C., relating to Station-

Chinhat, District- Lucknow, pending in the Court of learned Additional Chief Judicial Magistrate-III, Lucknow, as well as impugned chargesheet dated 14.5.2022, submitted by the Investigating Officer against the petitioner in aforesaid Case Crime No.923 of 2021, and impugned cognizance/summoning order dated 3.10.2022, passed by the learned Additional Chief Judicial Magistrate, Court No.25, Lucknow, as contained in Annexure nos.2 and 3 respectively to the instant petition, in the light of compromise attained between the parties, in the interest of law and justice."

In the APPLICATION U/S 482 No. - 9832 of 2023, the following relief has been sought:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to quash the entire proceedings of Complaint Case No.4374 of 2021; Mamta Agarwal Versus Diplu Jain and others, under sections- 323, 504, 506 I.P.C., relating to Police Station- Chinhat, District- Lucknow, pending in the Court of learned Additional Chief Judicial Magistrate-III, Court No.27, Lucknow, as well as impugned summoning order dated 4.7.2023 and impugned order of Bailable Warrant dated 4.8.2023, passed by the learned Additional Chief Judicial Magistrate-III, Court No.27, as contained in Annexure nos. 1 and 2 respectively to this petition, so far as the same relate to the petitioner, in the interest of law and justice."

In the APPLICATION U/S 482 No. - 9034 of 2023, the following relief has been sought:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to quash the entire proceedings of Complaint Case No.4374 of 2021; Mamta Agarwal Versus Diplu Jain and others, under sections- 323, 504, 506 I.P.C., relating to Police Station- Chinhat, District- Lucknow, pending in the Court of learned Additional Chief Judicial Magistrate-III, Court No.27, Lucknow, as well as impugned summoning order dated 4.7.2023 and impugned order of Bailable Warrant dated 4.8.2023, passed by the learned Additional Chief Judicial Magistrate-III, Court No.27, Lucknow, as contained in Annexure nos. 1 and 2 respectively to this petition, so far as the same relate to the petitioners, in the interest law and justice."

Learned counsel for the parties present before this Court as also learned AGA submitted that the Settlement/Agreement was signed between the parties on 18.10.2023 before Mediation and Conciliation Center of the Punjab and Haryana High Court at Chandigarh, in case registered as Mediation Case No. 1619 of 2023 in CRM-M-29601 of 2023 (Madhur Mangalam and Another vs. State of Panjab and Others) and taking note of the para 7 to 9 of the said Settlement/Agreement dated 18.10.2023 the Application(s) are liable to be decided. Paras 7 to 9 being relevant reads as under:-

"7. As informed by the parties, apart from the present quashing petition bearing no. CRM-M- 29601 of 2023, against FIR-0015 dated 17.08.2022 registered at Police Station Women Cell, Ludhiana Rural the following

case is pending between the parties:

(i) A case bearing Matrimonial Misc/1961/2021 under Section 9 of Hindu Marriage Act, which is pending in the Court of Additional Principal Judge, Family Court, Lucknow filed by first party of the first part. Complaint case vide registration of N.C.R. No. 0037/2021 dated 06.08.2021 under Section 323,506 of IPC at Police Station Chinhath, Lucknow, which is converted into an FIR No. 923/2021 at Police Station Chinhath, Lucknow filed by first party of the first part.

(ii) Complaint bearing no. CRL Misc. 4374 of 2021 titled "Mamta Aggarwal Vs. Diplu Jain and Others" under Section 406,452,323,379,504 of IPC before CIM, Lucknow filed by second party of the first part.

(iv) quashing petition under Section 482 Cr. P.C. bearing no. 9034 of 2023 titled as "Diplu Jain and another Vs. State of UP and others" pending before the Hon'ble High Court, at Lucknow Bench filed by second party of the second part.

8. The following settlement has been arrived at between the Parties hereto:

(i) That Madhur Mangalam (husband) and Shaina Jain (wife) have mutually agreed to part ways by getting a decree of divorce against each other on the basis of mutual consent. It has been decided between the parties that petition under Section 13-B of Hindu Marriage Act, 1955 shall be filed by the respective representative/SPA's of both the parties at District Court, Ludhiana. Both the parties shall be bound to make statement in the said petition filed by the parties jointly under Section 13-B of the Hindu Marriage Act, as and when directed by the Hon'ble Court. There is nothing to be exchanged between the parties on the second motion of the 13-B.

(ii) The second party (wife) undertakes not to claim any permanent alimony and maintenance (past, present and future) as well as Istitidhan from the first party (husband).

(iv) Both the parties have mutually agreed to immediately withdraw the case/complaint, if any, filed against each other before any court of law or any Authority in view of this Settlement/Agreement/on their respective due dates pending before the respective Hon'ble Courts/ Authorities OR any earlier date mutually agreed between the parties.

9. That the present settlement/agreement will be full and final and no further claim for any alimony/maintenance and Istitidhan and property of the first party will be claimed by the second party in any Court of law."

For the purposes of deciding the present application in the light of compromise, reliance has been placed on the judgments of the Apex Court passed in the case(s) of **Romgopal and others Vs. State of Madhya Pradesh, 2022 (1) SCJ 536, Gian Singh Vs. State of Punjab [2012 10 SCC 303], Mohd. Ibrahim Vs. State of U.P., 2022 SCC Online ALL 106, Gold Quest International Ltd. Vs. State of Tamilnadu, 2014 (15) SCC 235, B.S. Joshi Vs. State of Haryana, 2003 (4) SCC 675, Jitendra**

Raghuvanshi Vs. Babita Raghuvanshi, 2013(4) SCC 58, Madhavarao Jiwajirao Scindia Vs. Sambhajirao Chandrojirao Angre, 1988 1 SCC 692, Nikhil Merchant Vs. C.B.I. and another, 2008(9) SCC 677, Manoj Sharma Vs. State and others, 2008(16) SCC 1, State of M.P. Vs. Laxmi Narayan and others, 2019(5) SCC 688, Narindra Singh and others Vs. State of Punjab and another, (2014) 6 SCC 466, Manoj Kumar and others Vs. State of U.P and others (2008) 8 SCC 781, Union Carbide Corporation and others Vs. Union of India and others (1991) 4 SCC 584, Manohar Lal Sharma Vs. Principal Secretary and others (2014) 2 SCC 532 and Supreme Court Bar Association Vs. Union of India (1998) 4 SCC 409.

Upon due consideration of the aforesaid as also taking note of the Settlement/Agreement dated 18.10.2023 particularly para 7 to 9 of the same, referred above, in which CRL. Misc. Case No. 4374 of 2021 (Mamta Aggarwal vs. Diplu Jain and Others), under Sections 406, 452, 323, 379, 504 IPC pending before Chief Judicial Magistrate, Lucknow as also APPLICATION U/S 482 No. - 9034 of 2023 (Diplu Jain And Another vs. State of U.P. and Others), have been mentioned as also taking note of the observations made by Hon'ble Apex Court in the judgments, referred above, this Court is of the view that no purpose would be served in keeping the proceedings pending before the trial court and hence, the proceedings in issue are hereby quashed in terms of the compromise.

Accordingly, the present applications U/S 482 Cr.P.C. are ***allowed.***

Office is directed to send a copy of this order to the court concerned through email/fax immediately for necessary compliance.

Order Date :- 21.12.2023Vinay/-