

Court No. - 11

Case :- APPLICATION U/S 482 No. - 12354 of 2023

Applicant :- Chandan Alias Surajmani Mishra And 2 Others

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

Counsel for Applicant :- Saurabh Yadava, Divya

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

An affidavit filed by informant namely Smt. Meena Mishra in response to the present application filed today, is taken on record.

Heard learned Counsel for the applicants, Ms. Poonam Maurya learned Counsel for the informant, learned A.G.A. as also the main parties to the proceedings in issue, namely Chandan alias Surajmani Mishra (applicant no.1) and Smt. Meena Mishra (informant/opposite party no.2), who are present before this Court and have been identified by their Counsels.

The present application under Section 482 Cr.P.C. has been filed for the following main relief:-

"It is therefore most respectfully prayed that this Hon'ble court may graciously be pleased to quash the Charge Sheet No. 1 dated 26.06.2022 and the cognizance and summoning order dated 29.09.2023 passed by the Court of Additional Chief Judicial Magistrate, Court No. 25, Barabanki as well as entire proceedings of Warrant Or Summons Criminal Case Filing No. 37996/2023 Registration No. 25311/2023, CNR No. UPBB040380002023 State of UP Versus Rakesh Kumar Mishra & Others pending in the court of by the Court of Additional Chief Judicial Magistrate, Court No. 25, Barabanki. And/ or may pass such other and further order which this Hon' ble court may deem fit and proper under the facts and circumstances of the case, otherwise the applicant shall suffer irreparable loss and injury..

It is further prayed that this Hon' ble court may graciously be pleased to stay the further proceedings of proceedings of Warrant Or Summons Criminal Case Filing No. 37996/2023, Registration No. 25311/2023, CNR No. UPBB040380002023 State of UP Versus Rakesh Kumar Mishra & Others pending in the court of by the Court of Additional Chief Judicial Magistrate, Court No. 25, Barabanki. And/ or may pass such other and further order which this Hon'ble court may deem fit and proper under the facts and circumstances of the case; otherwise the applicant shall suffer irreparable loss and injury."

It is stated before this Court that on account of some matrimonial dispute the FIR No. 178/2022 dated 06.06.2022, under Sections 498A/323/504/506 IPC and 3/4 Dowry Prohibition Act, Police Station Tikaitnagar District Barabanki, was lodged by opposite party no.2 and the said FIR is the basis of entire criminal proceedings in issue and matrimonial dispute has now been settled and presently the applicant no. 1 and opposite party no.2 are living happily under one roof and there is no dispute between them.

It is further stated that it is evident from the deed of

settlement/compromise which is annexed as Annexure No. 4 that the dispute between the parties have been settled and this fact has also been admitted in the affidavit filed by the opposite party no.2 in response to the present petition.

It is also stated that taking note of the nature of dispute/crime, which is essentially matrimonial in nature and the observation made by the Hon'ble Apex Court in various judgments 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*, the interference of this Court is required, else the family life of applicant no.1 and opposite party no.2 would be ruined.

Learned Additional Government Advocate could not dispute the fact that the compromise has been entered into between the parties and now the opposite party no. 2 does not want to proceed with the proceedings in issue.

Considering the submissions advanced by learned counsel for the parties and also the main parties to the proceedings and taking note of the contents of Compromise Deed as also the observations made by Hon'ble Apex Court in the judgments referred above and the nature of dispute/crime, which is essentially matrimonial in nature this Court is of the view that no purpose would be served in keeping the proceedings pending before the trial court and hence, the same are hereby quashed.

Accordingly, the present application U/S 482 Cr.P.C. is **allowed**.

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

Order Date :- 19.12.2023

Jyoti/-