

Court No. - 14

Case :- CRIMINAL REVISION No. - 150 of 2023

Revisionist :- Saurabh Jain

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

Counsel for Revisionist :- Abhishek
Misra, Satendra Kumar (Singh)

Counsel for Opposite Party :- G.A., Desh Ratan
Mishra

Hon'ble Ajai Kumar Srivastava-I,J.

Heard Shri Abhishek Misra, learned counsel for the revisionist, Shri Rajesh Kumar Singh, learned A.G.A.-I for the State, Shri Desh Ratan Mishra, learned counsel for the opposite party no.2 and perused the record.

The instant criminal revision has been filed by the revisionist against the judgment and order dated 17.01.2023 passed by learned Second Additional Principal Judge, Family Court, Barabanki in Misc. Criminal Case No.1441 of 2019 (Smt. Priyanka Rastogi Jain vs. Saurabh Jain), under Section 125 of Cr.P.C.

Learned counsel for the revisionist has submitted that vide order dated 07.08.2024, passed by a Co-ordinate Bench of this Court, the matter was referred to Mediation & Conciliation Centre of this Court to explore the possibility of amicable settlement between the parties. As per the mediation report, both the parties have entered into a settlement agreement dated 04.12.2024. The said settlement agreement has been signed by revisionist, Saurabh Jain and opposite party no.2, Priyanka Rastogi Jain along with their counsels. A copy of the said agreement is on record and annexed as Annexure No.D, which is flagged 'M' to the instant revision. As per the settlement agreement, the revisionist and opposite party no.2 have amicably settled their dispute and buried the hatchet. In the aforesaid settlement agreement dated 04.12.2024, both the

parties have decided to live separately and dissolve their marriage by mutual consent.

Learned counsel for the revisionist has drawn attention of this court to para 6(F) of the settlement agreement dated 04.12.2024, in which, it is stated that the parties have no objection, if the instant revision is to be decided by quashing the order granting maintenance.

Learned counsel A.G.A. as well as learned counsel for opposite party no.2 have not disputed the fact that the parties have settled their dispute amicably through the process of mediation in the Mediation & Conciliation Centre of this Court by means of settlement agreement dated 04.12.2024. They have also not disputed the fact that the present dispute between the parties is an outcome of matrimonial dispute. Learned counsel for opposite party No.2 has not raised any objection in view of condition 6(C) of the settlement agreement dated 04.12.2004.

Having heard learned counsel for parties and considering the aforesaid facts and circumstances of the present case and upon perusal of material on record, it appears that during pendency of the present criminal revision, parties have already settled their dispute voluntarily and amicably through the process of mediation by means of settlement agreement dated 04.12.2024 and a copy of the same is annexed as Annexure-D. The dispute between the parties is an outcome of matrimonial dispute which has an overwhelming element of a private dispute between the parties. As such, on date, no difference exists between parties. The parties have agreed to get the cases mentioned in this revision decided on the basis of settlement entered into between them before the Mediation and Conciliation Centre of this Court vide settlement agreement dated 04.12.2024 which is available at flag 'M'. Consequently, this Court is of the considered opinion that no useful purpose shall be served by prolonging the proceedings of above mentioned case.

In view of above, present criminal revision succeeds and is liable to be allowed.

Accordingly, the the judgment and order dated 17.01.2023 passed by learned Second Additional Principal Judge, Family Court, Barabanki in Misc. Criminal Case No.1441 of 2019 (Smt. Priyanka Rastogi Jain vs. Saurabh Jain), under Section 125 of Cr.P.C. is set aside having regard to the settlement agreement dated 04.12.2024.

Consequently, the instant criminal revision stands **allowed**.

Order Date :- 19.12.2024

Mahesh