

Court No. - 2

Case :- CRIMINAL MISC. WRIT PETITION No. - 3458 of 2022

Petitioner :- Prateek Vatsa And Others

Respondent :- State Of U.P. Thru. Prin. Secy. Home And Others

Counsel for Petitioner :- Manoj Kumar Dubey, Abhay Pratap Singh, Deena Nath Mishra

Counsel for Respondent :- G.A., Priyanka Singh

Hon'ble Rajan Roy, J.

Hon'ble Sanjay Kumar Pachori, J.

The case has been taken up through Video Conferencing.

Supplementary affidavit and Amendment Application filed on behalf of petitioners today in Court are taken on record.

The application for amendment has been filed challenging the charge-sheet in the criminal case lodged by the opposite party no. 4 - wife.

Petitioner no. 1 is the husband, petitioners no. 2 and 3 are father-in-law and mother-in-law. The name of petitioner no. 4 has already been dropped during investigation, meaning thereby, she has not been mentioned in the charge-sheet.

The amendment application is allowed. Let necessary amendment be carried out during course of the day.

Bereft of the technicalities, considering the fact that the FIR has been lodged by the opposite party no. 4 on 12.04.2022 bearing case Crime No. 0278 of 2022 under Sections 323, 313, 498-A, 506, 504, 420 IPC read with Section 3/4 Dowry Prohibition Act, 1961 registered at Police Station Gomti Nagar, Lucknow, the controversy has arisen out of a matrimonial dispute which they have now settled out of Court, as has been mentioned in the amendment application which has been allowed today. The settlement arrived at between the parties has been annexed as Annexure-9 to the amendment application. We have perused the same. The parties have settled the dispute between them. In Clause H of the said settlement it has been stated that all the matter related to this marriage either civil or criminal are hereby settled and neither the parties, nor daughter Aradhya Vats, nor any of the relatives of the parties shall make any claim against

each other in future and will not file any case/complaint against each other at any time in future in Court of Law/Police Station etc.

Counsel for the opposite party no. 4, Ms. Priyanka Singh, does not dispute the said settlement rather she had given a statement to this effect on the earlier date i.e. 20.09.2024 itself and today also she says that she does not wish to pursue the criminal case against the petitioners.

Of course, the charge-sheet has been filed by the police after investigation, but, that is not an impediment in quashing of the proceedings and the legal position in this regard is very well settled, as, such charge-sheet can be quashed even under Article 226 of the Constitution of India, especially in matters such as the one before us arising out of a matrimonial dispute where parties have settled the dispute.

The parties having settled the matter amongst themselves and looking into the nature of dispute, especially as, the charge-sheet has not been filed for any offence under Section 313 IPC, we are of the opinion that by allowing the proceedings to go on any further we would be adding to agony of the parties herein, therefore, to put an end to it, we quash the FIR dated 12.04.2022 bearing case Crime No. 0278 of 2022 under Sections 323, 313, 498-A, 506, 504, 420 IPC read with Section 3/4 Dowry Prohibition Act, 1961 registered at Police Station Gomti Nagar, Lucknow and all consequential actions taken in pursuance thereof including the investigation and charge-sheet. The proceedings shall stand dropped.

The writ petition is ***allowed*** in terms of the compromise which has been accepted by opposite party no. 4.

[Sanjay Kumar Pachori, J.] [Rajan Roy, J.]

Order Date :- 19.12.2024
Santosh/-