

Court No. - 13

Case :- APPLICATION U/S 482 No. - 9812 of 2024

Applicant :- Vineet Sharma And 2 Others

Opposite Party :- Mrs.Shubhi Pathak And Another

Counsel for Applicant :- In Person

Counsel for Opposite Party :- Kaviya Singh,G.A.,Jeet Tripathi,Krishna Kumar Shukla,Shubham Tiwari

Hon'ble Rajeev Singh,J.

1. Heard.

2. The instant application has been filed by the applicants with a prayer to quash the impugned charge-sheet, under Section 173 Cr.P.C., No.1 dated 13.02.2024 submitted before the C.J.M. Lucknow in respect of Case Crime No.0698/2023, U/S-498-A, 352, 504 I.P.C. and 3/4 D.P. Act, Police Station- P.G.I., Lucknow East (Commissionerate Lucknow), District- Lucknow and the summoning order dated 25/09/2024.

3. On 09.12.2024, following order was passed:-

"1. On 05.11.2024, following order was passed :

"1. Heard the Petitioner no. 1 in person.

2. The present 482 Cr.P.C. application has been filed with a prayer to quash the charge sheet filed under section 173 Cr.P.C. No. 1 dated 13.02.2024 submitted before the Chief Judicial Magistrate Lucknow in Case Crime no.0698 of 2023 under sections 498A, 352, 504 IPC and 3/4 D.P. Act, Police Station P.G.I., Lucknow East Commissionerate, Lucknow as well as the summoning order dated 25.09.2024 in Case no. 93170 of 2024 (State vs. Vineet Sharma and others).

3. The applicant submitted that a petition under Section 13-B (1) of Hindu Marriage Act was decided amicably on 09.01.2024 in which the petitioner no.1-husband and opposite party no.2-wife were party. They have amicably resolved all their disputes pertaining their marriage including maintenance dowry, permanent alimony, streedhan and the settlement was arrived between the parties on 17.12.2023. They have also agreed that they will withdraw all pending litigation and will not initiate any litigation or raise any claim in future against each other or their family.

4. Prima facie, the matter requires consideration.

5. Notice on behalf of the opposite party No.2 has been accepted by the learned AG.A.

6. Consequently, issue notice to opposite party No. 1 returnable at an early date.

7. List after three weeks on 25.11.2024.

8. Till the next date of listing, further proceedings of the aforesaid case shall remain stayed against all the applicants."

2. As per the office report dated 23.11.2024, notice has already been served on the private respondent (opposite party no.1) personally but no one has put in appearance on her behalf.

3. List this case on 19.12.2024 at 2.30 P.M.

4. On the next date i.e. 19.12.2024, applicants as well as opposite party no.1 (Mrs. Shubhi Pathak, daughter of Pavan Kumar Pathak, resident of 5D/99, Sector-5, Vrindavan Yojna Colony, Giridhar Kunj, Telibagh, Lucknow) shall appear before this Court.

5. Station House Officer, police station P.G.I., Lucknow shall ensure presence of opposite party no.1 failing which appropriate action will be taken.

6. Interim order, granted earlier, shall continue till the next date of listing."

4. In pursuance of aforesaid order, respondent no.1- Mrs. Shubhi Pathak, d/o Pavan Kumar Pathak, r/o 5D/99, Sector-5, Vrindavan Yojana Colony, Giridhar Kunj, Lucknow along with Sub Inspector- Nimesh Dubey and Sarita Yadav, Police Station- P.G.I., Lucknow are present today before this Court.

5. It is informed that due to some matrimonial dispute, the impugned proceeding was initiated and the issue has already been resolved between the parties regarding the proceeding of Section 13-B(1) of Hindu Marriage Act, and it has been decided that after completion of the proceeding of the present case, sum of Rs. 4,25,000/- will be paid to respondent no.2 by Vineet Sharma at the time of second motion of divorce proceeding.

6. Respondent no.2 has no objection, in case, the impugned proceedings are quashed.

7. Considering the aforesaid submissions, this application is **allowed**. The impugned charge-sheet, under Section 173 Cr.P.C., No.1 dated 13.02.2024 submitted before the C.J.M., Lucknow in respect of Case Crime No.0698/2023, U/S-498-A, 352, 504 I.P.C. and 3/4 D.P. Act, Police Station- P.G.I., Lucknow East (Commissionerate Lucknow), District- Lucknow as well as the summoning order dated 25.09.2024 and entire proceedings in pursuance thereof are hereby **quashed**.

Order Date :- 19.12.2024

Arpan