

Court No. - 13

Case :- APPLICATION U/S 482 No. - 11003 of 2024

Applicant :- Gautam Kumar Agarwal And Others

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

Counsel for Applicant :- Himanshu Hemant Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Short counter affidavit filed by learned counsel for the opposite party no.2 is taken on record.
2. Heard learned counsel for the applicant, learned counsel for the opposite party no.2, learned A.G.A. and perused the record.
3. The instant application is filed with the prayer to quash the entire proceedings of Criminal Case No.46846 of 2019 (State of U.P. Vs. Gautam Agarwal & Ors.), pending in the Court of Civil Judge (Junior Division)/Judicial Magistrate, Fast Track Court, Lucknow.
4. Learned counsel for the applicant submits that marriage of the applicant no.1 was solemnized with the private respondent but due to some trial issues, F.I.R. in question was lodged against the applicants. He further submits that genesis of the prosecution in question is matrimonial dispute and issue in question has already been resolved in between the parties by way of alimony of amounting Rs.17,00,000/- as full and final settlement, out of which, Rs.6,75,000/- has already been deposited before the Family Court in the proceeding under the provisions of Section 13 B of Hindu Marriage Act, 1955, rest of the amount would be paid to the respondent no.2 after second motion.
5. Respondent no.2 is present before this Court and she states that she does not want to prosecute the applicants as issue in question has been resolved in between them by way of alimony of amounting Rs.17,00,000/- and requested that impugned proceeding may be quashed.

6. Considering the submissions of learned counsel for the parties, going through the contents of the application as well as other relevant documents, it is evident that issue in question has already been resolved in between the parties by way of settlement, therefore, trial of the case in question is a futile one. In such circumstances, the impugned proceeding of the case is hereby, quashed and application is **allowed**.

Order Date :- 18.12.2024

Gaurav/-