

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9690 of 2024

Petitioner :- Laxmi Shanker Tiwari And Another

Respondent :- State Of U.P. Home U.P. Lko. And Others

Counsel for Petitioner :- Alok Pandey,Amit Pandey

Counsel for Respondent :- G.A.

Hon'ble Vivek Chaudhary,J.

Hon'ble Om Prakash Shukla,J.

1. Heard Shri Alok Pandey, learned counsel for the petitioners and learned A.G.A. for the State.

2. By means of this writ petition, petitioners have sought quashing of the First Information Report dated 14.12.2023 registered as F.I.R./Case Crime No.0514 of 2023, under Sections 316, 323, 377, 498-A and 504 I.P.C. and 3/4 of Dowry Prohibition Act, Police Station Gazipur, District Lucknow North (Commissionerate Lucknow).

3. The contention of the learned Counsel for the petitioners is that petitioners' son, namely, Vivek Kumar Tiwari, got married with opposite party No.3 but by passage of time, relationship of the petitioners' son and opposite party no.3 were not cordial and as such, petitioners' son, Vivek Kumar Tiwari, filed a suit for divorce under Section 13 (1) (ia) and (ib) of the Hindu Marriage Act, 1955. During pendency of this divorce suit, opposite party no.3, who is the daughter-in-law of the petitioners, has filed the impugned F.I.R. against her husband Vivek Kumar Tiwari and

petitioners. Being aggrieved, petitioners' son, Vivek Kumar Tiwari, had instituted Criminal Misc. Writ Petition No. 204 of 2024 before this Court, wherein the matter was referred for mediation before the Mediation and Conciliation Centre, High Court, Lucknow and after due re-conciliation, the Mediation and Conciliation Center, High Court, Lucknow has submitted its report dated 28.08.2024 along with the settlement agreement entered into between the parties, whereby the petitioners' son and opposite party no.3 have settled their dispute and they have mutually agreed to dissolve their marriage and to live separately. He further states that according to the terms of the compromise/settlement agreement, petitioners' son and opposite party no.3 have agreed to withdraw the cases filed against each other including the First Information Report dated 14.12.2023 registered as F.I.R./Case Crime No.0514 of 2023, under Sections 316, 323, 377, 498-A and 504 I.P.C. and 3/4 of Dowry Prohibition Act, Police Station Gazipur, District Lucknow. Based upon the aforesaid settlement, this Court quashed the F.I.R. as well as all proceedings/investigation which may have been held consequent thereto vide judgment and order dated 17.10.2024, a copy of which has been annexed as Annexure no.5 to the writ petition. In this backdrop, his submission is that petitioners are the father-in-law and mother-in-law of the opposite party no.3 and the marriage between the petitioners'

son and opposite party no.3 has been dissolved by the learned Family Court vide judgment and order dated 18.07.2024 passed in Original Suit No. 3727 of 2021, a copy of which has been annexed as Annexure no. 2 to the writ petition. Therefore, the impugned F.I.R. is liable to be quashed in view of the aforesaid settlement arrived between the petitioners' son and opposite party no.3.

4. Learned AGA does not dispute the aforesaid facts.

5. Considering the aforesaid as well as the said terms of settlement arrived between the petitioners' son and opposite party no.3, we quash the impugned FIR lodged against the petitioners. All proceedings/investigation which may have been held consequent thereto against the petitioners are also quashed. The writ petition is **allowed**.

6. Learned AGA shall communicate this order to the Investigating Officer concerned forthwith.

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(Om Prakash Shukla, J.) (Vivek Chaudhary, J.)

Order Date :- 18.12.2024

Ajit