

Court No. - 72

Case :- APPLICATION U/S 482 No. - 13048 of 2020

Applicant :- Lukman Ahamd And 2 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Maohammd Nadeem, Qamrul Hasan

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma, J.

1. Supplementary affidavit filed today, is taken on record.
2. Heard learned counsel for the applicants, learned counsel for the informant, and learned A.G.A. for the State.
3. This application under Section 482 Cr.P.C. has been filed with a prayer to quash the charge sheet dated 03.06.2020 as well as cognizance order dated 02.07.2020 and the entire proceedings of Case No. 220/IX of 2020 (State Vs. Lukman Ahmad and others), arising out of Case Crime No. 162 of 2019, under Sections 498-A I.P.C. and Section 3/4 of the Muslim Women (Protection of Rights of Marriage) Act, Police Station- Kotwali Dehat, District Banda, pending before the court of Judicial Magistrate/Civil Judge (Jr. Division), Banda.
4. This Court vide order dated 07.09.2020 passed following order:-

"Heard learned counsel for the applicants and learned A.G.A for the State.

This application under Section 482 Cr.P.C. has been filed with a prayer to quash the charge sheet dated 03.06.2020 as well as cognizance order dated 02.07.2020 and the entire proceedings of Case No. 220/IX of 2020 (State Vs. Lukman Ahmad and others), arising out of Case Crime No. 162 of 2019, under Sections 498-A I.P.C. and Section 3/4 of the Muslim Women (Protection of Rights of Marriage) Act, Police Station- Kotwali Dehat, District Banda, pending before the court of Judicial Magistrate/Civil Judge (Jr. Division), Banda.

It has been submitted by learned counsel for the applicant that the applicant no.1 is the husband, applicant nos. 2 and 3 are the family members of applicant no.1 and the allegation levelled against them, are general and vague with no specificity. Learned counsel for the applicants has placed reliance on the judgment of the Apex Court in the case of Geeta Mehrotra vs. State of U.P. and others, 2012 (10) ADJ 464.

Similarly in Taramani Parakh vs. State of Madhya Pradesh and others, (2015) 11 SCC 260 the Apex Court again struck a note not to indiscriminately quash the proceedings against the relatives of the husband in a matrimonial dispute on the strength of Geeta Mehrotra (supra). Paragraph-12 of Taramani Parakh (supra) reads as under:-

"12. In Kailash Chandra Agrawal & Anr. vs. State of U.P. & Ors. (Criminal Appeal No.2055 of 2014 decided on 6.9.2014), it was observed: "9. We have gone through the FIR and the criminal complaint. In the FIR, the appellants have not been named and in the criminal complaint they have been named without attributing any specific role to them. The relationship of the appellants with the husband of the complainant is distant. In Kans Raj vs. State of Punjab & Ors. [(2000) 5 SCC 207], it was observed:-

"5.....A tendency has, however, developed for roping in all relations of the in-laws of the deceased wives in the matters of dowry deaths which, if not discouraged, is likely to affect the case of the prosecution even against the real culprits. In their over enthusiasm and anxiety to seek conviction for maximum people, the parents of the deceased have been found to be making efforts for involving other relations which ultimately weaken the case of the prosecution even against the real accused as appears to have happened in the instant case."

The Court has, thus, to be careful in summoning distant relatives without there being specific material. Only the husband, his parents or at best close family members may be expected to demand dowry or to harass the wife but not distant relations, unless there is tangible material to support allegations made against such distant relations. Mere naming of distant relations is not enough to summon them in absence of any specific role and material to support such role.

The parameters for quashing proceedings in a criminal complaint are well known. If there are triable issues, the Court is not expected to go into the veracity of the rival versions but where on the face of it, the criminal proceedings are abuse of Court's process, quashing jurisdiction can be exercised. Reference may be made to K. Ramakrishna and Ors. vs. State of Bihar and Anr. [(2000) 8 SCC 547], Pepsi Foods Ltd. and Anr. vs. Special Judicial Magistrate and Ors. [(1998) 5 SCC 749], State of Haryana and Ors. vs. Ch. Bhajan Lal and Ors. [(1992) Suppl 1 SCC 335] and Asmathunnisa vs. State of A.P."

In view of the above, matter requires consideration in respect of applicant nos. 2 and 3.

Notice on behalf of opposite party no. 1 has been accepted by learned A.G.A.

Issue notice to opposite party no. 2 returnable at an early date.

Opposite party no.2 may file counter affidavit within four weeks. Learned A.G.A. may also file counter affidavit within the same period. Rejoinder affidavit may thereafter be filed within two weeks.

List immediately after expiry of the aforesaid period before appropriate Bench.

Till the next date of listing, no coercive action shall be taken against the applicant nos.2 and 3.

However, the prayer in respect of the applicant no. 1 is refused. It is directed that if applicant no. 1 appears and surrenders before the court below within one month from today and applies for bail, his prayer for bail shall be considered and decided expeditiously in view of the settled law laid by the Division Bench of this Court in Brahm Singh & others Vs. State of U.P. and others, i.e, Crl. Misc. Writ Petition No.

15609 of 2016 decided on 8.7.2016.

For a period of one month from today or till the applicant no.1 surrenders and applies for bail whichever is earlier, no coercive action shall be taken against him. However, in case, he does not appear before the Court below within the aforesaid period, coercive action shall be taken against him.

This application at the behest of applicant no. 1 stands disposed of. "

5. Learned counsel for the applicants submitted that during pendency of present application applicants and opposite party no.2 have amicably settled their dispute and entered into a compromise out of the Court and filed compromise application before Trial Court i.e. Civil Judge (J.D.)/ Chief Judicial Magistrate, Banda that opposite party no. 2, the wife of applicant no. 1, have settled their dispute with applicant no. 1 and other accused persons. In pursuance of compromise dated 21.02.2025, the Trial Court verified the parties on the same date i.e. 21.02.2025. Verification report dated 21.02.2025 has been filed with the supplementary affidavit. He further submitted that applicants and opposite party no.2 compromised the matter and opposite party No.2 does not want to proceed the matter against the applicants. He further submitted that applicants and opposite party no.2 have settled through compromise their private and civil dispute and as such opposite party no.2 does not wish to press the aforesaid case against the applicants. Opposite party no.2 is ready to withdraw the prosecution of the applicants and in view of the compromise, no fruitful purpose would be served if the prosecution is allowed to go on.

6. Learned counsel appearing for the opposite party no.2 does not dispute the correctness of the submission made by learned counsel for the applicants or the correctness of the documents relied upon by him. He submits that opposite party no. 2 has no objection, if the proceedings in the aforesaid case are quashed.

7. Learned AGA submitted that both the parties have settled their dispute out of the court, hence, no reason to proceed further.

8. The Hon'ble Apex Court in the case of **Narindra Singh and others Vs. State of Punjab**, (2014) 6 SCC 466, **Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat** (2017) 9 SCC, 641, **Gian Singh Vs. State of Punjab** (2012) 10 SCC 303 and **State of M.P. Vs. Laxmi Narayanan** (2019) 5 SCC 688, wherein Hon'ble Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non-compoundable offences. Reference may also be made to the decision given by this Court in **Shaifullah and others Vs. State of U.P. and another** [2013 (83) ACC 278], in which, law expounded by the Hon'ble Apex Court in the aforesaid cases has been explained in detail.

9. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by learned counsel for the parties, this Court is of the

considered opinion that no useful purpose would be served by prolonging the proceedings of the above mentioned case.

10. Accordingly, the impugned charge sheet dated 03.06.2020 as well as cognizance order dated 02.07.2020 and the entire proceedings of Case No. 220/IX of 2020 (State Vs. Lukman Ahmad and others), arising out of Case Crime No. 162 of 2019, under Sections 498-A I.P.C. and Section 3/4 of the Muslim Women (Protection of Rights of Marriage) Act, Police Station- Kotwali Dehat, District Banda, pending before the court of Judicial Magistrate/Civil Judge (Jr. Division), Banda, are hereby quashed.

11. This application under Section 482 Cr.P.C. is accordingly ***allowed***.

Order Date :- 9.7.2025

Aditya