



2026:UHC:4702

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
Criminal Misc. Application No. 478 of 2023

Anurag Mani Tiwari

.... Applicant

Versus

State of Uttarakhand and Another Respondents

Presence:-

Mr. Vikas Kumar Guglani, learned counsel for the applicant.

Mr. Siddhartha Bisht, learned A.G.A. for the State.

Mrs. Prabha Naithani, learned counsel for the respondent no.2.

Hon'ble Siddhartha Sah, J. (Oral)

By means of the present Criminal Misc. Application under Section 482 of the Cr.P.C., the applicant has sought quashing of the charge-sheet as well as the summoning order dated 02.03.2022, passed by learned Additional Chief Judicial Magistrate / IIIrd Additional Civil Judge (S.D.), Rudrapur, District Udham Singh Nagar in Criminal Case No. 1730 of 2022.

2. FIR was lodged on 04.08.2021 by the respondent no.2/complainant with the allegations that the marriage in between the applicant and complainant was solemnized on 17.05.2020 as per the Hindu rites and rituals and it is alleged that from the beginning of her matrimonial life, the applicant and his mother used to harass the respondent no.2/complainant mentally and physically and they used to beat her by locking her in the room.



3. The aforesaid FIR was lodged at P.S. Pantnagar on 04.08.2021 being FIR No. 131 of 2021 under Sections 498A, 323 and Section 504 of the IPC.

4. In pursuance to the aforesaid FIR, investigation issued and culminated in filing of a charge-sheet and the charge-sheet was filed only against the applicant and name of the mother of the applicant was exonerated.

5. After filing of the aforesaid charge-sheet, the learned Chief Judicial Magistrate, Rudrapur took cognizance against the applicant on the basis of the charge-sheet and issued summons against the applicant vide order date 02.03.2022.

6. At the outset, the learned counsel for the applicant would submit that now the dispute in between the applicant and the respondent no2 has been settled and the compromise was arrived in between them and as as per the terms and conditions of the settlement /agreement as agreed between the parties, both the applicant and the respondent no.2 shall file a mutual divorce petition and the applicant shall pay a sum of Rs.7,75,000/- as permanent alimony and the same be paid to the respondent no.2 on two instalments.

7. It has further been submitted that the applicant in compliance of the settlement / agreement has deposited Rs.3,00,000/- by way of demand draft bearing No. 823480 dated 01.12.2022 before the Medication Centre of the Hon'ble High Court of Allahabad and the same reflects in the settlement/agreement.

8. Accordingly, the petition under Section 13B of



the Hindu Marriage Act has been filed jointly by both the parties before the Family Court Judge, Kanpur Nagar.

9. Learned counsel for the applicant has further drawn the attention of the Court to a judgment and order dated 07.10.2023, passed by the Additional Principal Judge, Family Court, Kanpur Nagar, whereby the petition under Section 13B of the Hindu Marriage Act, 1955 has been decreed and the marriage between the parties has been dissolved. By making reference to the aforesaid order dated 07.10.2023, the learned counsel for the applicant would make a submission that nothing now remains in as much as the marriage between the parties has been dissolved by decree of mutual consent.

10. In support of his contentions, the learned counsel for the applicant has relied upon the judgment of the Hon'ble Supreme Court in the case of **B.S. Joshi and Others VS. State of Haryana and Another**, reported in **(2003) 4 SCC 675** and drawn the attention of the Court in para 10 thereof. Para no. 10 is being extracted for ready reference :-

"10. In State of Karnataka v. L. Muniswamy & Ors. (1977) 2 SCC 699], considering the scope of inherent power of quashing under Section 482, this Court held that in the exercise of this wholesome power, the High Court is entitled to quash proceedings if it comes to the conclusion that ends of justice so require. It was observed that in a criminal case, the veiled object behind a lame prosecution, the very nature of the material on which the structure of the prosecution rests and the like would justify the High Court in quashing the proceeding in the interest of justice and that the ends of justice are higher than the ends of mere law though justice had got to be administered according to laws made by the legislature. This Court said that the compelling necessity for making these observations is that without a proper realization of the object and purpose of the provision which seeks to save the inherent powers of the High Court to do justice between the State and its subjects, it



would be impossible to appreciate the width and contours of that salient jurisdiction. On facts, it was also noticed that there was no reasonable likelihood of the accused being convicted of the offence. What would happen to the trial of the case where the wife does not support the imputations made in the FIR of the type in question. As earlier noticed, now she has filed an affidavit that the FIR was registered at her instance due to temperamental differences and implied imputations. There may be many reasons for not supporting the imputations. It may be either for the reason that she has resolved disputes with her husband and his other family members and as a result thereof she has again started living with her husband with whom she earlier had differences or she has willingly parted company and is living happily on her own or has married someone else on earlier marriage having been dissolved by divorce on consent of parties or fails to support the prosecution on some other similar grounds. In such eventuality, there would almost be no chance of conviction. Would it then be proper to decline to exercise power of quashing on the ground that it would be permitting the parties to compound non-compoundable offences. Answer clearly has to be in “negative”. It would, however, be a different matter if the High Court on facts declines the prayer for quashing for any valid reasons including lack of bona fides.”

11. It is also clear from the aforesaid judgment in the case of **B.S. Joshi and Others (Supra)** that the Hon’ble Supreme Court having noticed that there has been an outburst of matrimonial dispute in the recent time and has also considered that if marriage having been dissolved by divorce on consent of parties or the complainant fails to support the prosecution case on some other similar grounds and when there would almost be no chance of conviction, it would not be proper to decline to exercise power of quashing on the ground that it would be permitting the parties to compound non-compoundable offence. In such view, the Hon’ble Supreme Court proceeded to quash the FIR.

12. Mr. Vikash Uniyal, learned Brief Holder for the State would submit that now since the applicant and the respondent no.2 are separated, there will be no fruitful



purpose in letting the matter to go for trial.

13. Learned counsel for the respondent no.2 would also make a similar submission that since the applicant and the respondent no.2 have already separated by virtue of mutual decree of dissolution of marriage, hence there would be no useful purpose in letting the matter to go for trial and as such, he has no objection to the quashing of the entire criminal proceedings.

14. In view of the aforesaid facts and circumstances of the case and particularly in view of the fact that the marriage between the applicant and the respondent no.2 has already been dissolved under Section 13B of the Hindu Marriage Act, 1955 and also in view of the judgment of Hon'ble Supreme Court in **B.S. Joshi and Another (Supra)**, there will be no useful purpose in letting the matter to go for trial, hence, the instant Criminal Misc. Application under Section 482 Cr.P.C. deserves to be allowed.

15. Accordingly, the instant Criminal Misc. Application under Section 482 of the Cr.P.C. is hereby allowed and the charge-sheet as well as the summoning order dated 02.03.2022, passed by learned Additional Chief Judicial Magistrate / IIIrd Additional Civil Judge (S.D.), Rudrapur, District Udham Singh Nagar in Criminal Case No. 1730 of 2022 are hereby quashed.

(Siddhartha Sah, J.)
11.06.2026

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