



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc. Application No. 1675 of 2022

Sanjay Dabral

... Applicant

Versus

State of Uttarakhand and Another

... Respondents

Presence:-

Mr. Pawan Mishra, learned counsel for the applicant.

Mr. G.S. Sandhu, learned Addl. Advocate General assisted by Mr. Deepak Bhardwaj, learned Brief Holder for the State.

Ms. Priyanka Aggarwal, learned Amicus Curiae for the respondent no.2.

Hon'ble Siddhartha Sah, J. (Oral)

The present Criminal Misc. Application under Section 482 of the Cr.P.C. has been filed by the applicant seeking quashing of the charge-sheet dated 25.01.2019 (Annexure no.2 to the accompanying affidavit), cognizance order dated 14.03.2019 (Annexure no.3 to the accompanying affidavit), passed by the IVth Additional Chief Judicial Magistrate, Dehradun and the proceedings of the Criminal Case No.1780 of 2019, State Vs. Sanjay Dabral under Sections 498A, 323 and Section 504 of the IPC, pending in the Court of IVth Additional Chief Judicial Magistrate, Dehradun.

2. In the pre-lunch session, noticing that respondent no.2 has already been served but unrepresented, the Court requested Ms. Priyanka Aggarwal, learned counsel to assist the Court as an Amicus Curiae for the respondent no.2. She has very kindly consented



for the same.

3. In pursuance to the order passed in pre-lunch session, the amended memo of the Criminal Misc. Application under Section 482 of the Cr.P.C. containing the amended prayer clause has been placed on record.

4. Learned Amicus Curiae makes a statement that she tried to get in touch with the respondent no.2, however, she could manage to communicate with the mother of the respondent no.2, Smt. Radha Devi over phone no. 844922844. Smt. Radha Devi disclosed to the learned Amicus Curiae that she would not be in a position to share the contact details of the respondent no.2 since she is already married and settled in her life and does not want to participate in the present proceedings.

5. In such view of the matter, since Ms. Priyanka Aggarwal, Advocate has already been appointed as Amicus Curiae, the matter is taken up for hearing.

6. Learned counsel for the applicant would submit that the respondent no.2 got an FIR lodged on 03.11.2018 with the allegation that the respondent no.2 is being subjected to cruelty by the applicant and she was also beaten and she was abused by him, on the basis of which, FIR No. 292 of 2018 under Sections 498A, 323 and Section 504 IPC was registered at Police Station Nehru Colony, District Dehradun against the applicant. The FIR culminated in the filing of the charge-sheet dated 25.01.2019 against the applicant under Sections 498A, 323 and Section 504 IPC and based on the said charge-sheet, the IVth Additional Chief Judicial Magistrate, Dehradun took cognizance against the



applicant on 14.03.2019 and, thereafter, Criminal Case No. 1780 of 2019, State Vs. Sanjay Dabral under Sections 498A, 323 and Section 504 was registered in the Court of IVth Additional Chief Judicial Magistrate, Dehradun.

7. Assailing the said charge-sheet and summoning order, learned counsel for the applicant would submit that after submission of the charge-sheet, the applicant and the respondent no.2, who are husband and wife, settled all their disputes amicably outside the Court and they decided to give divorce to each other and in lieu thereof, the applicant was to make a payment of Rs.5.00 lacs to the respondent no.2 as permanent alimony. The applicant and the respondent no.2 further decided that they will not claim anything against each other in future.

8. Thereafter, on 06.08.2019, the applicant and the respondent no.2 filed a petition under Section 13-B of the Hindu Marriage Act for mutual divorce, which was registered as Original Suit No. 786 of 2019, Smt. Suman Vs. Sanjay Dabral in the Court of Principal Judge, Family Court, Dehradun. The applicant issued two cheques of total Rs. 5.00 lacs to the respondent no.2 at the time of filing the petition.

9. The cheques issued by the applicant were encashed by the respondent no.2 and she received the permanent alimony from the applicant and, thereafter, on 07.02.2020, the Principal Judge, Family Court, Dehradun passed a judgment and order, by which the marriage of the applicant and the respondent no.2, solemnized on 15.01.2016, was dissolved by the decree of



mutual divorce. Certified copy of the said judgment and order dated 07.02.2020 is on record as annexure no.5 of the affidavit.

10. At this stage, the learned counsel for the applicant would state that since the matter between the applicant and the respondent no.2 being matrimonial dispute is already buried by virtue of the aforesaid decree of mutual divorce, nothing remains in the criminal case.

11. The learned counsel for the applicant has drawn the attention of the Court to the judgment of the Hon'ble Supreme Court in the case of **Ruchi Agarwal Vs. Amit Kumar Agrawal and Others**, reported in **2005 SCC (Cri) 719** and has particularly drawn the attention of the Court to para 8 and 9 thereof. Para 8 and 9 of the said judgment are being extracted hereunder for ready reference :-

“8. Learned counsel appearing for the appellant, however, contended that though the appellant had signed the compromise deed with the above-mentioned terms in it, the same was obtained by the respondent-husband and his family under threat and coercion and in fact she did not receive lump sum maintenance and her stridhan properties. We find it extremely difficult to accept this argument in the background of the fact that pursuant to the compromise deed the respondent-husband has given her a consent divorce which she wanted, thus had performed his part of the obligation under the compromise deed. Even the appellant partially performed her part of the obligations by withdrawing her criminal complaint filed under Section 125. It is true that she had made a complaint in writing to the Family Court where Section 125 Cr.P.C. proceedings were pending that the compromise deed was filed under coercion but she withdrew the same and gave a statement before the said court affirming the terms of the compromise which statement was recorded by the Family Court and the proceedings were dropped and a divorce was obtained. Therefore, we are of the opinion that the appellant having



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received the relief she wanted without contest on the basis of the terms of the compromise, we cannot now accept the argument of the learned counsel for the appellant. In our opinion, the conduct of the appellant indicates that the criminal complaint from which this appeal arises was filed by the wife only to harass the respondents.

9. *In view of the above said subsequent events and the conduct of the appellant, it would be an abuse of the process of the court if the criminal proceedings from which this appeal arises is allowed to continue. Therefore, we are of the considered opinion to do complete justice, we should while dismissing this appeal also quash proceedings arising from the Criminal Case No.Cr.No.224/2003 registered in Police Station, Bilaspur, (District Rampur) filed under Sections 498A, 323 and 506 IPC and under Sections 3 and 4 of the Dowry Prohibition Act against the respondents herein. It is ordered accordingly. The appeal is disposed of."*

12. Learned counsel for the applicant would submit that the facts of the present case are akin to the case of Ruchi Agarwal (Supra), wherein, also divorce was obtained on the basis of the compromise and the Hon'ble Supreme Court has held that in view of the aforesaid subsequent events and the conduct of the appellant, it would be an abuse of process of court if the criminal proceedings from which the appeal arises are allowed to continue and the Hon'ble Supreme Court had proceeded to quash the proceedings arising out of the criminal case under Sections 498-A, 323 and 506 of IPC and Section 3 under Sections 3 and 4 of the Dowry Prohibition Act.

13. Mr. G.S. Sandhu, learned Addl. Advocate General for the State very fairly submitted to the Court that in the factual matrix of the present case, since the respondent no.2 is not ready and willing to participate in the present criminal proceedings, therefore, letting the matter go to the trial would be a futile exercise.

14. Learned Amicus Curiae would state that she



could manage to contact only the mother of the respondent no.2 and she has already informed her that she is not willing to share the contact details of the respondent no.2 since the respondent no.2 has already settled in her matrimonial life and is not desirous of participating in any sort of criminal proceedings.

15. In such view of the matter, since the dispute between the applicant and the respondent no.2 already stands settled by virtue of a decree of mutual divorce and the respondent no.2 has also received a permanent alimony from the applicant and she is already settled in her life and does not want to participate in any sort of criminal proceedings, hence, in such a case, allowing the matter to go into trial would tantamount to an abuse of process of law. Hence, in such view of the matter, in view of the mutual divorce between the parties, and in view of the judgment of Hon'ble Supreme Court in the case of **Ruchi Agarwal (Supra)**, it would be in the fitness of things and to secure the ends of justice that the present Criminal Misc. Application under Section 482 of the Cr.P.C. be allowed.

16. Hence, the present criminal misc. application, under Section 482 of the Cr.P.C. is allowed.

17. As a consequence thereof, the charge-sheet dated 25.01.2019, the cognizance/summoning order dated 14.03.2019, passed by the IVth Additional Chief Judicial Magistrate, Dehradun and the entire proceedings of Criminal Case No.1780 of 2019, State Vs. Sanjay Dabral under Sections 498A, 323 and 504 of the IPC, pending in the Court of IVth Additional Chief Judicial Magistrate, Dehradun, are hereby quashed.



18. Pending application, if any, stands disposed of accordingly.

(Siddhartha Sah, J.)

02.07.2026

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