



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>C482/1584/2021</u> Umesh Giri --Applicant Versus State Of Uttarakhand and another --Respondents <u>Hon'ble Siddhartha Sah, J.</u> Mr. Akshay Pradhan, learned counsel for the applicant. 2. Mr. Vikash Uniyal, learned Brief Holder for the State. 3. Mr. Avidit Noliyal, learned counsel for the respondent no.2. 4. By means of the present Criminal Misc. Application under Section 482 Cr.P.C., the applicant has sought quashing of the summoning order dated 22.11.2018, passed by learned Additional Chief Judicial Magistrate, Haridwar, District Haridwar in Case No. 1447 of 2018, Neha alias Reeta vs. Umesh Giri and others under Sections 498-A, 323 IPC and Section 3/4 of the Dowry Prohibition Act. 5. Based on the complaint of the respondent no.2, summoning order dated 22.11.2018 has been passed by the Additional Chief Judicial Magistrate, Haridwar summoning the applicant and others under Sections 498-A, 323 of IPC and Section 3/4 of the Dowry Prohibition Act. 6. Assailing the aforesaid summoning order, the learned counsel for the applicant would submit that the matter arises out of a matrimonial dispute and



		the applicant and respondent No. 2 have settled their matrimonial disputes amicably and decided to separate by mutual divorce. 7. Learned counsel for the applicant would submit that the applicant and respondent No. 2 instituted Original Suit No. 167 of 2020 before the Additional Judge, Family Court, Roorkee under Section 13B of the Hindu Marriage Act for dissolution of marriage, which was allowed on 19.08.2020, and the decree of divorce was granted. The certified copy of the order is on record. 8. Learned counsel for the applicant further submits that since divorce has already been granted, hence, there is no purpose in continuing the criminal trial. 9. Learned counsel for respondent No. 2 would submit that the applicant and respondent No. 2 had appeared through video conferencing before the Coordinate Bench, and both the parties submitted that they do not wish to proceed any further in the present litigation. 10. In such view of the matter, where respondent No.2/complainant does not want to pursue the litigation any further, it would be a futile exercise to let the trial proceed further. Therefore, the continuation of proceedings of the trial would be an abuse of the process of law. 11. In such view of the matter, where the matter has already been settled between the parties and divorce decree has already been passed by the competent court, hence, the criminal proceedings between the parties emanating out of the matrimonial discord also need to be put to quietus. 12. Therefore, in the ends of justice, the instant Criminal Misc. Application under Section 482
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			Cr.P.C. deserves to be allowed. 13. Accordingly, the Criminal Misc. Application is allowed and the summoning order dated 22.11.2018, passed by learned Additional Chief Judicial Magistrate in Complaint Case No. 1447 of 2018, Neha alias Reeta vs. Umesh Giri and others under Sections 498-A, 323 IPC and Section 3/4 of the Dowry Prohibition Act, is hereby quashed. (Siddhartha Sah, J.) 20.08.2026 Shiv/
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