



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/s 482 No. - 1651 of 2025

Harshit Raj Sangam and 2 others

.....Applicant(s)

Versus

State of U.P. and another

.....Opposite Party(s)

Counsel for Applicant(s)	: Ashwani Kumar Mishra, Sandeep Kumar Keshari, Vivek Srivastava
Counsel for Opposite Party(s)	: Sheetala Prasad Pandey, G.A.

ALONG WITH

1. APPLICATION U/s 482 No. -15132 of 2024
2. CRIMINAL REVISION No.2212 of 2024

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

1. Heard Mr. Ashwani Kumar Mishra, learned counsel for the applicants, Mr. Sheetala Prasad Pandey, learned counsel for opposite party no.2 and Mr. P.K. learned counsel for the State and perused the record.
2. This application under Section 482 Cr.P.C. has been filed by the applicants to quash the summoning order dated 28.9.2023 passed by the Judicial Magistrate/F.T.C. (crime against women), Basti in Case No. 869 of 2023, arising out of Case Crime No. 211 of 2023, under sections 498A, 323, 504, 506 I.P.C. and section 3/4 D.P. Act, P.S. Kotwali, District-Basti, as well as chargesheet dated 3.8.2023.

3. On the earlier occasions, the following orders have been passed on the respective dates:-

“On 21.01.2025

Heard learned counsel for the applicants as well as learned A.G.A. for the State.

Learned counsel for the applicants submits that there are chances of amicable settlement between the parties, therefore, the matter may be referred to the Mediation Centre. In order to show his bona fide, he is ready and willing to come up with a draft of Rs.15,000/- in the name of Registrar General A/c, Allahabad High Court Mediation & Conciliation Centre on the next date.

Put up this case, as fresh, on 10.02.2025.

On the said date, learned counsel for the applicants is directed to come up with a draft of Rs.15,000/- in favour of Registrar General A/c, Allahabad High Court Mediation & Conciliation Centre.

On 10.02.2025

Mr. S.P. Pandey, Advocate has filed his Vakalatnama on behalf of opposite party no. 2, which is taken on record. Heard Mr. Ashwani Kumar Mishra, learned counsel for the applicants, Mr. Sheetala Prasad Pandey, learned counsel for opposite party no.2 and learned A.G.A. for the State. This application under Section 482 Cr.P.C. has been filed by the applicants to quash the summoning order dated 28.9.2023 passed by the Judicial Magistrate/F.T.C. (crime against women), Basti in Case No. 869 of 2023, arising out of Case Crime No. 211 of 2023, under sections 498A, 323, 504, 506 I.P.C. and section 3/4 D.P. Act, P.S. Kotwali, District-Basti, as well as chargesheet dated 3.8.2023.

Learned counsel for the applicants submits that there are chances of amicable settlement between the parties.

Learned counsel for the opposite party no. 2 has raised an objection for sending the matter to the Medication Centre. He made a request that the matter may be mediated by this Court seeking the future of child and the observation made by Hon'ble Apex Court the propitiatory should be given.

Learned counsel for the applicants to show his bonafide, has come up with a Demand Draft of Rs. 15,000, dated 31.1.2025, bearing Cheque No. 263364, issued from State Bank of India, Basti, in favour of RGACHCMCC, which has been returned to him today.

List this case as fresh on 03.03.2025.

On that date, learned counsel for the parties may ensure the presence of their respective parties before this Court.

Till the next date of listing, no coercive action shall be taken against the applicants in the aforesaid case.

On 03.03.2025

Heard Mr. Ashwani Kumar Mishra, learned counsel for the applicants, Mr. Sheetala Prasad Pandey, learned counsel for the

opposite party no.2 and Mr. Mayank Awasthi, learned Counsel for the State.

In compliance of order dated 10.02.2025, applicant no.1 Harshit Raj Sangam is present before this Court along with his father Dev Narayan, applicant no.2, and have been identified by their counsel.

The opposite party no.2 Smt. Khusbu is also present before this Court along with her younger brother Sanjay and has been identified by her counsel.

The Court in presence of the aforesaid respective counsels mediated this matter in open Court and in chamber also. After deliberations both the parties i.e. applicant no.1 Harshit Raj Sangam and opposite party no.2 Smt. Khusbu have decided to stay together. Opposite party no.2 is ready and willing to go along with her husband.

Husband has promised not to harass his wife in any manner and has assured this Court that he will not beat her in any situation come what may. He will maintain her and look after her needs as well as take care of his child, who is six and half years old and is studying in class UKG. The opposite party no.2 has also promised to take care of her in-laws in case her husband cooperates in any manner with her. Though she doubted about the assurance given by husband but when convinced by the Court as well as the counsels, she has agreed to go along with her husband.

In view of above, applicant no.1 Harshit Raj Sangam is directed to go along with his father to the parents' place of opposite party no.2 Smt. Khusbu, at Village- Kusha Patti Prithi, Post-Kothwa, P.S. Nagar Barar, District-Basti, on 17.03.2025 for her Vidai, in the evening hours. Husband will take his wife to the place where he is residing presently, i.e Vivekanad Colony Rautapar, Police Station-Kotwali, District-Basti, U.P.

The opposite party no.2 is directed that in case her husband and father-in-law come for her Vidai, no family members will misbehave with them and will welcome them as per the customs in practice. Husband and father-in-law are also expected to make convenient the stay of Smt. Khusbu at her Sasural by managing the affairs as required by her, which includes the education of child.

In such circumstances, this Court feels that both applicant no.1 Harshit Raj Sangam and opposite party no.2 Smt. Khusbu will cooperate with each other to make congenial and peaceful atmosphere in the house. In case of any difficulty by any of them, they shall not take any steps without informing their respective counsels.

Put up as fresh on 18.04.2025 for further hearing.

Till 18.04.2025, interim order granted earlier is extended.

On the said date, applicant no.1 Harshit Raj Sangam will come along with his wife Smt. Khusbu before this Court to share their experience.

The demand draft of Rs.15,000/- dated 31.01.2025 bearing no.263364 issued by State Bank of India, Branch-Court Area, Basti, is taken on record.

Office is directed to place the aforesaid draft before Registrar General of this Court, after retaining the photo-copy of the same, which shall be handed over to the opposite party no.2 Ms. Khusbu, in case she moves an application before the Registrar General of this Court, after verifying her identity.

The amount of Rs.15,000/- shall be adjusted in the amount towards payment of maintenance as directed by the Court in maintenance case pending before the Court concerned.

On 18.04.2025

In compliance of earlier order of this Court dated 3.3.2025, applicant no.1 Harshit Raj Sangam has come along with his wife Smt. Khusbu before this Court and have been identified by their counsels. They shared their experience that they are staying together happily. Some difficulties have been shared by the wife, on which both of them undertake to sort out, by the next date fixed.

On the joint request of the parties, put up this case, as fresh on 23.05.2025.

On the said date, applicant no.1 Harshit Raj Sangam and his wife Smt. Khusbu shall remain present before this Court to share their experience.

On 23.05.2025

Supplementary affidavit filed by learned counsel for the applicants today in the Court, is taken on record. Office is directed to register the same.

In compliance of the earlier order dated 18.04.2025, the applicant no.1, namely, Harshit Raj Sangam and the opposite party no.2, namely, Smt. Khusbu are present in the Court today, who have been identified and their signatures have also been attested by their respective counsels.

The opposite party no.2, Smt. Khusbu states that she had gone to attend the marriage of a family friend, which is located near her parents' place. Smt. Khusbu has come before this Court directly from her parents' place as she was there for the aforesaid purpose, however, from here, she will be going along with her husband; Harshit Raj Sangam. She has also stated about being beaten by her husband in the bedroom in the night hours.

However, the aforesaid fact has been denied by her husband; Harshit Raj Sangam stating that he is cooperating in every way as per the wishes of his wife. He would never think of flouting the orders of this Court as he respects all the orders as passed by this Court as well as whatever directions are being given during course of mediation. He also stated that his wife goes to work in a beauty parlor and he provides all assistance to drop her there whenever required. He is bothered about his son's future, therefore, he is ready to cooperate with his wife to any extent for the well-being of the family.

Learned counsel for the parties also request that a chance may be given to sort out the differences and overcome the difficulties, which are there between the two.

This Court directs that the Opposite Party No.2; Smt. Khusbu to go alongwith her husband; Harshit Raj Sangam to his place and

after taking permission from her in-laws/husband, she will go to help her mother as has been informed by her that her mother has to undergo some operation.

It is also directed that the police personnel of the concerned Police Station-Kotwali shall go once in a week to enquire about the couple. In case of any difficulty, the parties shall inform their respective counsels, who shall inform the Court by moving an application.

The parties are hereby directed to inform their respective counsels in the lower courts to refrain from pressing any proceedings in pending cases till the pendency of mediation proceeding. Additionally, the parties shall apprise the concerned courts of the ongoing mediation proceedings before this Court and request that no adverse actions be taken against either party in any cases filed against each other.

Put up this case on 14.07.2025, as fresh, alongwith connected matter.

This order has been passed in the presence of Mr. Ashwani Kumar Mishra, learned counsel for the applicants, Mr. Sheetala Prasad Pandey, learned counsel for the opposite party no.2 and Mr. Mayank Awasthi, learned counsel for the State.

On the said date, the applicant no.1 and opposite party no.2 will remain present before this Court to share their experience on the next date.

Learned counsel for the parties shall ensure presence of their respective parties.

Interim order, if any, is extended till the next date of listing.

On 14.07.2025

Heard Mr. Ashwani Kumar Mishra, learned counsel for the applicants, Mr. Sheetala Prasad Pandey, learned counsel for the opposite party no.2 and Mr. Amit Singh Chauhan, learned AGA-I assisted by Mr. Mayank Awasthi, learned counsel for the State.

In compliance of the earlier order dated 23.05.2025, the applicant no.1 namely, Harshit Raj Sangam and the opposite party no.2, namely, Smt. Khusbu Prajapati are present in the Court today, who have been identified and their signatures have also been attested by their counsels.

Though husband and wife are living happily, however, wife requests to keep the matter pending as there are some petty issues, which have to be settled between them.

As prayed, put up this case on 15.10.2025, as fresh.

Interim order, if any, is extended till the next date of listing.

On 15.10.2025

In compliance of earlier order of this Court, applicant no.1, Harshit Raj Sangam and opposite party no.2, Smt. Khusbu Prajapati, are present before this Court and have been identified by their respective counsels. They state that they are living happily, however, the opposite party no.2, wife, requests that some more time may be granted for understanding each other. The other conditions as mentioned in the previous orders shall be followed by the parties.

Mr. P.K. Singh, learned A.G.A. for the State, is directed to send computerized copy of the orders to the concerned police station, who will take care of the situation and inform to learned A.G.A. about the development between the parties.

Put up as fresh on 16.04.2026.

Interim order, if any, is extended till the next date of listing.

The parties shall remain present before this Court on the next date to share their experience.

On 16.04.2026

1. Heard Mr. Ashwani Kumar Mishra, learned counsel for the applicants, Mr. Sheetala Prasad Pandey, learned counsel for opposite party no.2 as well as Mr. Satyendra Tiwari, learned AGA for the State.

2. In compliance of order dated 15.10.2025, applicant no.1, namely, Harshit Raj Sangam and opposite party no.2, namely, Smt. Khusbu Prajapati are present before this Court and have been identified by their respective counsels.

3. Both the parties request for further time to sought out their differences and maintain cordial relationship.

4. Put up this case, as fresh, on 22.07.2026.

5. The applicant no.1 as well as opposite party no.2, shall remain present before this Court on the next date in order to share their experience.

6. Interim order, if any, is extended till the next date of listing.

7. The aforesaid order has been passed in open Court.

On 22.07.2026

Heard Mr. Ashwani Kumar Mishra, learned counsel for the applicants, Mr. Sheetala Prasad Pandey, learned counsel for opposite party no.2 as well as Mr. P.K. Singh, learned AGA for the State.

In compliance of order dated 16.04.2026, applicant no.1, namely, Harshit Raj Sangam is present before this Court and has been identified by his counsel. Learned counsel for opposite party no.2 submits that grand-mother of opposite party no.2 has expired, therefore, she has not been able to appear before this Court.

Learned counsel for the applicants informs that applicant no.1 and opposite party no.2 are living happily, however, both the counsels request for time so that statements of applicant no.1 and opposite party no.2 can be recorded. Learned counsel for the applicants informs the Court that Applicant No. 1 and Opposite Party No. 2 are living together happily. However, counsel for both sides request time so that the statements of Applicant No. 1 and Opposite Party No. 2 may be recorded.

Accordingly, put up this case, as fresh, on 11.08.2026, along with connected matter.

This Court directs that applicant no.1 as well as opposite party no.2, shall remain present before this Court on the next date.

Interim order, if any, is extended till the next date of listing.

On 11.08.2026

1. In compliance of order of this Court dated 22.7.2026, applicant No.1, namely, Harshit Raj Sangam is present before this Court alongwith his wife opposite party no.2, namely, Smt. Khushboo Prajapati. They have shared their experience that they are living happily together. However, they have sought further time to amicably resolve their minor differences.
2. In view of experience shared by the applicant no.1 as well as opposite party no.2 before the Court, learned counsel for the applicant as well as learned counsel for the opposite party no.2 are directed to file affidavit mentioning the terms and conditions on which the parties have decided to stay together happily and file the same by the next date fixed.
4. Opposite Party No. 2 submits that the demand draft earlier handed over by the petitioner has since expired. She further submits that the amount may be paid to her by way of a fresh and valid demand draft on or before the next date of hearing.
5. Put up this case as fresh on 7.9.2026.

On 07.09.2026

1. In compliance of the order dated 11.08.2026, applicant No.1, namely, Harshit Raj Sangam and opposite party No.2, namely, Smt. Khushbu Prajapati have appeared together before this Court. They are represented by their respective counsel, Mr. Ashwani Kumar Mishra and Mr. Sheetala Prasad Pandey.
2. The parties request further time to develop understanding between them.
3. Opposite party No. 2, Smt. Khushbu Prajapati, states that her entire jewellery has been taken by her husband and requests that the same may be returned. She is also ready to give an undertaking that she will not run away with the jewellery and will always remain with her husband and in-laws and perform all her duties as wife of applicant No. 1 and daughter-in-law of the other applicants.
4. The Court is of the opinion that ample time has already been granted to the parties and, while sitting in civil jurisdiction relating to Basic Education matters and having a heavy Board, this Court had already observed in open Court that on the next occasion no further time shall be granted to the parties; either they shall appear without any differences before this Court, or the Court shall release the matter to be heard by the appropriate Bench having jurisdiction.
5. Today also, time was given to the parties and at about 1:15 PM, counsel for the parties came up with a request to post the matter after one week.
6. This Court finds that vide earlier order dated 11.08.2026, a valid demand draft was to be produced by applicant No. 1 when asked for the same, applicant No. 1 has not brought the draft along with him. On the earlier occasion also, he had taken one excuse or the other so that the amount of Rs. 15,000/-, which was to be paid to opposite party No. 2 in order to maintain her, had not been brought by him. Today, even the old draft has not been brought by applicant No. 1, which shows his intention to mislead the Court and the same amounts to contempt.

7. However, as opposite party No. 2 has an intention to end this matter and go along with her husband, this Court refrains itself from sending applicant No. 1, Harshit Raj Sangam, to jail by taking him into judicial custody, as the same will ruin the life of opposite party No. 2.

8. The matter is posted for tomorrow with a direction to applicant no. 1 to bring the old draft as well as Rs. 15,000/- in cash to be given to his wife, opposite party no. 2. In case of failure to do so, the Court shall direct applicant no. 1 to be taken into judicial custody.

9. The applicant no.1, namely, Harshit Raj Sangam and opposite party no.2, Smt. Khushbu Prajapati shall remain present before this Court.

10. Put up this case tomorrow, i.e. 08.09.2026 at 12:00 PM as fresh.

11. The aforesaid order has been passed in the presence of applicant no. 1 and opposite party no. 2 and their respective counsel.

On 08.09.2026

The matter was taken up at 12:15 P.M. In compliance of order dated 07.09.2026, the applicant no. 1 - Harshit Raj Sangam and O.P. No. 2 - Smt. Khushbu are present before this Court. They are represented by Mr. Ashwani Kumar Mishra and Mr. Sheetala Prasad Pandey, learned Advocates.

As directed by this Court, the applicant no. 1 has come up with the old Demand Draft No. 263364 dated 31.01.2025 of Rs. 15,000/-, issued by State Bank of India, Court Area Branch, Basti in favour of Registrar General A/c, AHCM & C Centre, and also cash of Rs. 15,000/-.

This Court raised a query to O.P. No. 2 as to whether she wants to stay with her husband happily and end the matter or wants to proceed with the case. She stated before the Court that in case jewelry is returned by the applicant, she has no issue in staying with her husband. She also stated before the Court that on every occasion except one, she came along with the applicant no. 1 (husband).

This Court is of the view that ample time has been given to the parties to settle the matter. The applicant no. 1 has shown his bonafide by coming up with old draft of Rs. 15,000/- which was earlier directed by this Court by order dated 10.02.2025. He has also come up with Rs.15,000/- cash, out of which the applicant no.1 is directed to give Rs.5,000/- to the O.P. No. 2. As this Court is sitting in civil jurisdiction, the matter stands released.

The O.P. No. 2 is granted four weeks' time to file counter affidavit.

Mr. P.K. Singh, learned counsel for the State may also file counter within the same period. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List thereafter before appropriate Court. Until further orders of this Court, proceedings pursuant to summoning order dated 28.09.2023 as well as chargesheet dated 03.08.2023 shall remain stayed.

The O.P. No. 2 is at liberty to stay with her husband (applicant no.1) or to stay at her maternal place. Insofar as the demand draft is concerned, as the matter has now been released to be heard on merits, it is returned to the applicant no. 1.

After passing of aforementioned order, learned counsel for the parties came in Chambers around 04:15 P.M. along with the applicant no. 1 and O.P. No. 2, to state that the parties have decided to stay together.

In view of the aforesaid development, this Court directs that learned counsel for the parties may file a joint affidavit in this regard by the next date.

It is further directed that the demand draft be returned to the applicant no. 1. The concerned Bank is also directed to cancel the said draft and return the amount to the applicant no. 1. Today Mr. Dev Narayan (applicant no. 2) is also present, who has promised before the Court that he will take care of his grandson. Put up this case on 21st September, 2026 as fresh.

Interim order, granted earlier, is extended till the next date of listing.”

3. In compliance of the aforesaid order dated 08.09.2026, joint affidavit has been filed on behalf of the parties, which is taken on record.

4. Learned counsel for the parties submit that, in the aforesaid join affidavit, the parties have agreed to stay together on the following terms and conditions:-

“(i) The husband undertakes to take care of his wife and fulfill all essential requirements and amenities to her in future.

(ii) The parents or family member of both the parties will not interfere in the married life of husband and wife.

(iii) It has also been agreed between the parties that all the cases filed by them against each other or their family members regarding present matrimonial dispute shall be withdrawn by the parties concerned by taking appropriate steps before the Court/authority concerned.

(iv) The parties will not file any fresh case against each other or their family members in respect of present matrimonial dispute.

(v) It has been agreed between the parties that they shall not violate the terms and conditions of this settlement.”

5. Learned counsel for the parties submit that on account of compromise entered into between the parties concerned, all disputes

between them have come to an end, and therefore, entire proceedings against the applicants in the aforesaid case is liable to be quashed by this Court.

6. Learned Counsel for the State does not dispute the aforesaid fact and submitted at the Bar that since the parties concerned have settled their dispute as mentioned in the joint affidavit filed by learned counsel for the parties, therefore, he has no objection in quashing the impugned criminal proceedings against the applicants.

7. Before proceeding any further it shall be apt to make a brief reference to the following cases:-

1. **B.S. Joshi and others Vs. State of Haryana and Another; (2003)4 SCC 675,**

2. **Nikhil Merchant Vs. Central Bureau of Investigation; (2008) 9 SCC 677,**

3. **Manoj Sharma Vs. State and Others; (2008) 16 SCC 1,**

4. **Gian Singh Vs. State of Punjab; (2012); 10 SCC 303,**

5. **Narindra Singh and others Vs. State of Punjab; (2014) 6 SCC 466,**

8. In the aforesaid judgments, the 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. & Another; 2013 (83) ACC 278,** in which the law expounded by the 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 the counsel for the parties, the court is of the considered opinion that no useful purpose shall be served by prolonging the proceedings of the above mentioned criminal case as the parties have already settled their dispute.

10. Accordingly, in view of the settlement between the parties as mentioned in the joint affidavit filed on behalf of the parties, the

proceeding of summoning order dated 28.9.2023 passed by the Judicial Magistrate/F.T.C. (crime against women), Basti in Case No. 869 of 2023, arising out of Case Crime No.211 of 2023, under sections 498A, 323, 504, 506 I.P.C. and section 3/4 D.P. Act, P.S. Kotwali, District-Basti, as well as charge-sheet dated 03.08.2023 is hereby **quashed**.

11. The application u/s 482 No.1651 of 2025 is, accordingly, **allowed**.

12. A copy of this order be sent to the lower court forthwith.

13. Needless to say that opposite party no.2 Smt. Khusbu, shall take care of her in-laws at her husband's place.

(Mrs. Manju Rani Chauhan,J.)

September 21, 2026
Rahul