2026:AHC:210165-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 4164 of 2025

Smt. Priya Sharma And 5 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shiv Kumar Yadav
Counsel for Respondent(s)	:	G.A.

Court No. - 47

HON'BLE RAJEEV MISRA, J.
HON'BLE JAI KRISHNA UPADHYAY, J.

1. Supplementary affidavit filed by the learned counsel for petitioners in court today, is taken on record.

2.Heard Mr. Babu Lal Ram holding brief of Mr. Shiv Kumar Yadav, the learned counsel for petitioners, and the learned AGA representing State respondents 1, 2 and 3.

3.Perused the record.

4.Petitioners, Smt. Priya Sharma and 5 others, have approached this Court by means of present criminal misc. writ petition challenging the impugned FIR dated 21.01.2025 lodged by first informant/respondent 4, Rishabh Kumar Tripathi, and registered as Case Crime No. 0014 of 2025, under Sections 191 (2), 333, 115 (2), 352, 351 (2) B.N.S., 2023, Police Station Gwaltoli, District Kanpur Nagar.

5. Present writ petition came up for admission on 05.03.2025 and this Court passed the following order:-

"1. Heard learned counsel for the petitioner and the learned A.G.A. for the State.
2. The petitioners, by means of the instant petition filed under Article 226 of the Constitution of India has invoked the jurisdiction of this Court with prayer to quash the F.I.R. dated 21.01.2025 lodged by respondent no. 4 in case crime No. 0014 of 2025, under section 191(2), 333, 115(2), 352, 351(2) of BNS, 2023, Police Station Gwaltoli, District Kanpur Nagar.
3. It is submitted by learned counsel for the petitioner that the informant is husband of first petitioner, who has lodged the impugned F.I.R. just to put pressure upon her wife and her family members to rescue from other proceedings that has been initiated by

petitioner under section 125 Cr.P.C. for maintenance and section 12 of Protection of Women from Domestic Violence Act, 2005 which were against the husband of the first petitioner. It is lastly submitted that since the present matter relates to matrimonial dispute, which may be amicably settled by way of mediation and conciliation, therefore, the matter may be referred to the Mediation and Conciliation Centre of this Court.

4. Issue notice to the respondent no. 4, returnable at an early date. Steps may be taken within a week.

5. Taking into account the statement of learned counsel for the petitioners, it is directed that the petitioners will deposit a sum of Rs.5,000/- within three weeks from today with the Mediation Centre of this Court as mediation fee.

6. The matter is remitted to the Mediation Centre with the direction that after deposit of such amount, by the petitioners, it shall issue notice to the parties fixing some date for mediation and shall make all possible efforts to conclude the mediation and conciliation proceedings expeditiously, preferably within a period of two months.

7. List thereafter, before the appropriate Bench along with the report of Mediation Centre.

8. Till the next date of listing, no coercive actions shall be taken against the petitioners in the aforementioned case.

9. It is made clear that in case there occurs default by the petitioners either in depositing the amount or in appearing before the Mediation Centre on the date fixed, the interim order shall cease to operate and the Mediation Centre shall immediately communicate with the office which in turn shall list the case within a week before the appropriate Bench for passing orders in the matter. "

6. In compliance of above order dated 05.03.2025, requisite deposit was made by petitioners with Mediation and Conciliation Centre, High Court, Allahabad. Accordingly, notice was issued by Mediation and Conciliation Centre to first informant respondent 4. Parties appeared before the Mediation and Conciliation Centre and also arrived at a settlement. Accordingly, a settlement agreement dated 23.08.2025 was drawn by the Mediation and Conciliation Centre, High Court, Allahabad. The same reads as under:-

"This SETTLEMENT AGREEMENT entered into on 23.08.2025, between Smt. Priya Sharma (Petitioner No.1-wife) and Rishabh Kumar Tripathi (Respondent No.4-husband).

WHEREAS

1. Disputes and differences had arisen between the Parties hereto and Criminal Misc. Writ Petition No. 4164 of 2025 was filed before the Hon'ble High Court.

2.The matter was referred to mediation/ conciliation vide order dated 05.03.2025 passed by Bench of Hon'ble Mahesh Chandra Tripathi,J. and Hon'ble Prashant Kumar,J.

3. The parties agreed that Mr. Aditya Bhushan Singhal and Mr. Rahul Srivastava,

Advocates would act as their Conciliators/Mediators, in the Mediation Case No. 1502/2025.

4. Several joint and separate meetings were held during the process of Conciliation/Mediation on 03-05-2025, 24-05-2025, 21-06-2025, 19-07-2025, and 23-08-2025 and the parties have with the assistance of the Mediators/Conciliators voluntarily arrived at an amicable solution resolving the above-mentioned disputes and differences.

5. That the marriage between Smt. Priya Sharma (Petitioner No.1-wife) and Rishabh Kumar Tripathi (Respondent No.4-husband) was solemnized on 03.11.2020. Out of their wedlock, the parties have no issue. The parties have been living separately since 01.11.2020.

6. That the parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediator/Conciliator

*7.**In view of the Interim Settlement dated 19.07.2025**, the following Settlement has been arrived at between the Parties hereto:-*

a) That the interim settlement dated 19.07.2025 was entered into between the parties which shall form a part of this final Settlement and both shall be read in consonance with each other.

b) That in terms of paragraph 7(a) of the interim settlement dated 19.07.2025, Smt. Priya Sharma (Petitioner No.1-wife) and Rishabh Kumar Tripathi (Respondent No.4-husband) have agreed to live separately and dissolve their marriage and pursuant to the same they have filed a petition u/s 13-B of the Hindu Marriage Act before the Principal Judge, Family Court, Kanpur Nagar, which is registered as Case No. 1947 of 2025. Parties agree that they shall not resile from the aforesaid proceedings/petition in any manner whatsoever and both agree to take it to its logical conclusion. Both the parties has assures that they will produce the certified copy of the aforesaid divorce petition before the Hon'ble High Court at the time of hearing in the present case.

c) That in terms of paragraph 7(b) of the interim settlement dated 19.07.2025, both the parties have agreed that in full and final settlement of all financial claims of Smt. Priya Sharma (Petitioner No.1-wife), the Petitioner No.1-wife shall be paid one time permanent alimony including Stridhan to the tune of Rs.1,50,000/- (Rs. One Lakh Fifty Thousand Only) by the Respondent No.4-husband. After receiving this amount, the wife shall not stake any financial claim of any nature under any circumstances whatsoever or shall not be entitled to claim in the property of husband or his family members. The aforesaid amount i.e. Rs.1,50,000/- shall be paid through demand drafts drawn in favour of wife in installments.

d) That as agreed in paragraph 7 (d) of the Interim Settlement-Agreement dated 19.07.2025, the Respondent No.4-husband has produced a demand draft bearing no. 001421 dated 27.05.2025 drawn on Jana Small Finance Bank for Rs.75,000/- (Rs. Seventy Five Thousand Only) issued in the name of Priya Sharma (Petitioner No.1-wife) and the same is being handed over to the Petitioner No.1-wife today i.e. 23.08.2025 and she has acknowledged the receipt of the same.

e) That in pursuance of paragraph 7 (e) of the Interim Settlement dated 19.07.2025, it has been agreed between the parties that the Respondent No.4-husband shall pay the remaining amount of permanent alimony i.e. Rs.75,000/- (Rs. Seventy Five Thousand Only) to the Petitioner No.1-wife (Smt. Priya Sharma) by way of demand draft issued in favour of wife (as above) at the time of final motion in the mutual divorce petition (Case No. 1947 of 2025) before the Principal Judge, Family Court, Kanpur Nagar.

f) That in pursuance of the present final settlement between the parties, the Respondent No.4-husband and Petitioner No.1-wife have further agreed that from the date of final order passed by the Principal Judge, Family Court, Kanpur Nagar in their mutual divorce application, they will not claim any rights or liabilities against

each other and shall be free to live their future life as per their own free will and accord, without any interferences from the other party.

g) That it has also been agreed between the parties that all the cases (civil and criminal), if any, pending between the parties, shall be withdrawn by the parties concerned by taking appropriate steps before the Court/authority concerned.

h) That both the parties agree that they will not file any fresh case against each other or their family members in respect of this present matrimonial dispute.

8. By signing this Agreement the Parties hereto state that the Criminal Misc. Writ Petition No. 4164 of 2025 and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of Conciliation/Mediation.

9.That this Settlement-Agreement had been read over and explained to the parties in Hindi in presence of their respective counsels, thereafter, they have signed the Settlement-Agreement."

7.Pursuant to the agreement arrived at between the parties as noted above, proceedings under Section 13-B of the Hindu Marriage Act came to be initiated by way of Case No. 1947 of 2025, Rishabh Kumar Tripathi vs. Priya Sharma. Aforesaid matrimonial case came to be decreed by the trial Court vide judgment and decree dated 18.03.2026.

8.On the above premise, learned counsel for petitioners submits that since the dispute between the parties is basically a matrimonial dispute, which has been amicably settled under the settlement agreement, and pursuant to the same, parties have also obtained divorce by mutual consent, therefore no good or sufficient ground can be said to be in existence to perpetuate the criminal prosecution of petitioners.

9.It is, however, contended by the learned counsel for petitioners that unfortunately, in spite of the pendency of the aforesaid proceeding, Investigating Officer submitted the charge sheet/police report dated 22.11.2025 in terms of Section 193 (3) BNSS, upon which cognizance has also been taken by the Jurisdictional Magistrate vide cognizance taking order dated 06.08.2026 in exercise of jurisdiction under Section 210 BNSS.

10. In view of the above, and also the law laid down by the Apex Court in the case of **Pradnya Pranjal Kulkarni Vs. State of Maharashtra and Another, 2025 SCC OnLine SC 1948**, we find that we do not have any jurisdiction now to proceed with the writ petition. We, therefore, **dismiss** the writ petition as having been rendered infructuous, with liberty to the petitioner to challenge the charge sheet/proceedings by way of an application under Section 528 BNSS.

October 7, 2026
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(Jai Krishna Upadhyay,J.) (Rajeev Misra,J.)

Digitally signed by :-
ASHOK KUMAR TRIPATHI
High Court of Judicature at Allahabad