2026:AHC:208577

# HIGH COURT OF JUDICATURE AT ALLAHABAD

**APPLICATION U/S 482 No. - 30600 of 2015**

Varish Ali And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

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| Counsel for Applicant(s) | : | Sanjay Shukla, Vijay Kumar Tiwari |
| Counsel for Opposite Party(s) | : | Govt. Advocate |

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**Court No. - 78**

**HON'BLE SANDEEP JAIN, J.**

1. Heard learned counsel for the accused-applicants and learned A.G.A. for the State.

2. The present application under Section 482 Cr.P.C. has been filed seeking quashing of the proceedings arising out of Criminal Complaint Case No. 3527 of 2014, *Sanjeeda Vs. Mohd. Varish Ali and others*, under Sections 498-A, 323, 504 and 506 I.P.C. and Sections 3/4 of the Dowry Prohibition Act, Police Station Khalilabad, District Sant Kabir Nagar, pending before the learned Chief Judicial Magistrate, Sant Kabir Nagar, as well as the summoning order dated 16.07.2015 passed by the learned Chief Judicial Magistrate, Sant Kabir Nagar, in the aforesaid complaint case.

3. Learned counsel for the accused-applicants submits that the marriage between complainant-respondent No. 2, namely, Sanjeeda Afroz, and accused-applicant, Varish Ali, was solemnized on 30.10.2013. Soon after the marriage, matrimonial disputes arose between the parties, which led to the institution of the aforesaid complaint case by the complainant, alleging that she was subjected to mental and physical harassment at her matrimonial home and that an illegal demand for a four-wheeler dowry was also made from her. It was further alleged that, upon her failure to fulfil the said demand, she was ousted from her matrimonial home.

4. By order dated 16.07.2015, the learned Chief Judicial Magistrate, Sant Kabir Nagar, summoned the accused-applicants, who are the husband and relatives of the husband, to face trial for offences under Sections 498-A, 323, 504 and 506 I.P.C. and Sections 3/4 of the Dowry Prohibition Act. The said summoning order and the consequential proceedings have been

challenged in the present proceeding.

5. Learned counsel for the accused-applicants further submits that complainant-respondent No. 2 also instituted proceedings under Section 125 Cr.P.C. seeking maintenance from her husband, Varish Ali, before the learned Principal Judge, Family Court, Sant Kabir Nagar. In the said proceedings, the parties entered into a compromise on 20.03.2018, whereby a sum of Rs. 2.50 lakhs was paid by the husband to the wife. The said compromise was duly verified by the learned Family Court.

6. It is further submitted that, in terms of the aforesaid compromise, the husband and wife agreed to reside separately and amicably settle all their disputes. Learned counsel submits that, subsequent to the said compromise, complainant-respondent No. 2 has solemnized her second marriage, while the accused-applicant-husband has also remarried, and both are presently living separately. It is further submitted that the complainant has not appeared before the trial court in the complaint case, as is evident from the order-sheets annexed with the present application.

7. Learned counsel, therefore, submits that, in view of the compromise arrived at between the parties and the subsequent developments, continuation of the criminal proceedings would serve no useful purpose and the same are liable to be quashed.

8. I have heard learned counsel for the accused-applicants and learned A.G.A. for the State and have perused the record.

9. It is apparent from the record that a matrimonial dispute arose between complainant-respondent No. 2 and the accused-applicant-husband, which culminated in the institution of the aforesaid complaint case. Pursuant to the said complaint, the learned Chief Judicial Magistrate, Sant Kabir Nagar, by order dated 16.07.2015, summoned the accused-applicants to face trial for offences under Sections 498-A, 323, 504 and 506 I.P.C. and Sections 3/4 of the Dowry Prohibition Act.

10. It is further apparent that, subsequently, in the proceedings under Section 125 Cr.P.C. instituted by complainant-respondent No. 2, the parties entered into a compromise on 20.03.2018, whereby they agreed to amicably resolve all their disputes and to reside separately. The said compromise was duly verified by the learned Family Court.

11. The terms of the compromise specifically record that the parties had agreed to put an end to their matrimonial relationship and that the complainant did not wish to pursue the criminal proceedings arising out of the matrimonial dispute. It is also stated that, subsequent to the compromise, both parties have remarried and are presently living separately.

12. In view of the aforesaid facts and circumstances, particularly the amicable settlement arrived at between the parties, the subsequent remarriage of both parties and the fact that the complainant does not wish to pursue the criminal proceedings, this Court is of the considered view that no useful purpose would be served by permitting the proceedings to continue. The continuation of the criminal proceedings, in the peculiar facts and circumstances of the present case, would amount to an abuse of the process of law.

13. Accordingly, the instant application under Section 482 Cr.P.C. is allowed. The proceedings arising out of Criminal Complaint Case No. 3527 of 2014, *Sanjeeda Vs. Mohd. Varish Ali and others*, under Sections 498-A, 323, 504 and 506 I.P.C. and Sections 3/4 of the Dowry Prohibition Act, Police Station Khalilabad, District Sant Kabir Nagar, pending before the learned Chief Judicial Magistrate, Sant Kabir Nagar, as well as the summoning order dated 16.07.2015 passed therein, are hereby quashed, along with all consequential and incidental proceedings arising therefrom.

**(Sandeep Jain,J.)**

**October 6, 2026**
Mayank

Digitally signed by :-
MAYANK KUMAR SHARMA
High Court of Judicature at Allahabad