2026:AHC:211425-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 11856 of 2025

Shitanshu Garg And 4 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : S.P.K. Tripathi
Counsel for Respondent(s) : Asheesh Mani Tripathi, G.A., Manu Mishra

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Court No. - 47

HON'BLE RAJEEV MISRA, J.
HON'BLE DR. AJAY KUMAR-II, J.

1. Heard Mr. S.P.K. Tripathi, the learned counsel for petitioners, the learned AGA for State-respondents1, 2 & 3 and Mr. Asheesh Mani Tripathi, the learned counsel representing first informant-respondent-4.

2. Perused the record.

3. Petitioners-Shitanshu and 4 others have approached this Court by means of present Criminal Misc. Writ Petition challenging the impugned FIR dated 09.05.2025 lodged by first informant-respondent-4, Smt. Priyanka Bansal and registered as Case Crime Number 33 of 2025, under Sections 498-A, 323, 406, 504, 506, 313 IPC and Section 3/4 Dowry Prohibition Act, Police Station-Mahila Thana, District-Gorakhpur.

4. Present writ petition came up for admission on on 05.06.2025 and this Court passed the following order:-

1. Heard learned counsel for the petitioners, learned A.G.A. for the State and Sri Asheesh Mani Tripathi, learned counsel for the respondent no. 4 and perused the record.

2. The quintessence of the contentions raised by the learned counsel for the petitioners is that matrimonial dispute is in the genesis of this case. There are chances of amicable settlement between the parties. Petitioners counsel strenuously urged that this case may be referred to the Mediation and Conciliation Centre, High Court, Allahabad so that the litigants may have a chance to settle their dispute on

their own terms through mediation.

3. The Court is satisfied on the basis of record and the submissions made before it that the nature of litigation is such that the chances to resolve the matter through process of conciliation do exist and an attempt ought to be made to explore that possibility.

4. Accordingly, the matter is being referred to the Mediation Centre Allahabad. The petitioners will deposit Rs. 20,000/- within four weeks at the Mediation Centre. In case the amount is deposited, the Mediation Centre will issue notices to both the parties returnable within a period of two weeks. Out of the same Rs.15,000/- will be paid to respondent no.4 for subsistence and to meet out the expenses. The mediator is allowed two months' time to find out possible solution of the dispute between the parties and send his report to the court regarding the outcome of mediation.

5. List this case before the appropriate Bench along with report of the mediator on 06.08.2025.

6. Till then, the petitioners shall not be arrested in pursuance of the impugned F.I.R. dated 09.05.2025 arising out of Case Crime No.33 of 2025, under Sections 498A, 323, 406, 504, 506, 313 IPC, 3/4 of Dowry Prohibition Act, Police Station Mahila Thana, District Gorakhpur provided the petitioners file the receipt of deposit of amount as directed above along with the present order.

7. It is made clear that in case of default in depositing the amount as ordered above or on non-participation of the petitioners in the mediation proceedings, the interim stay order shall stand automatically vacated.

8. This case shall not be treated as tied up or part heard with this Bench.

5. In compliance of above order dated 05.06.2025, petitioners made the requisite deposit with the Mediation and Conciliation Centre, High Court Allahabad. Resultantly, notice was issued by the Mediation and Conciliation Centre, High Court Allahabad to first informant respondent-4, Smt. Priyanka Bansal. Parties, therefore, duly appeared before the Mediation and Conciliation Centre, High Court Allahabad. Subsequently, parties amicably settled their dispute in aforementioned mediation proceedings. Accordingly, settlement agreement dated 12.10.2025 was

drawn by the Mediation and Conciliation Centre, High Court, Allahabad. On the above premise, the learned counsel for petitioners submits that the dispute between the parties is a is basically a private and matrimonial dispute. The parties have already amicably settled their dispute. They are now living together as husband and wife. He, therefore, contends that in view of above, no cause of action now survives with the first informant-respondent-4 to pursue the criminal prosecution of petitioners pursuant to the impugned FIR. As such, the impugned FIR is, therefore, liable to be quashed by this Court.

6. Per contra, the learned AGA for State-respondents 1, 2 & 3 submits that the dispute between the parties is basically a private and matrimonial dispute. Offence complained of is not a crime against State or society. As such, there cannot be any impediment in accepting the compromise entered into by the parties by Court. He, therefore, submits that he cannot have any objection, in case, the present writ petition is decided by this Court in the light of the terms of settlement agreement referred to above. On the other hand, Mr. Asheesh Mani Tripathi, the learned counsel representing first informant-respondent-4 contends that once first informant-respondent-4 has herself entered into a compromise with the accused petitioners, which compromise is explicit from the settlement agreement dated 12.10.2025, therefore, now she cannot have any objection, in case, the present writ petition is decided by this Court in the light of the terms and conditions of the settlement agreement dated 12.10.2025.

7. Be that as it may, having heard the learned counsel for petitioner, the learned AGA for State-respondents 1, 2 & 3, the learned counsel representing first informant and upon perusal of record, this Court finds that there is no denial of the fact that the dispute between the parties is basically a matrimonial and private dispute. As such, offence complained of is not a crime against State or society. In view of above, there cannot be any impediment in accepting the settlement arrived at between the parties. Since the parties have amicably settled their dispute outside the Court and they are now living together as husband and wife and leading a happy married life, this Court finds that in case, the criminal prosecution of petitioners is allowed to perpetuate pursuant to the impugned FIR that

itself will cause injustice to the parties.

8. As a result, the present writ petition succeeds and is liable to be allowed.

9. It is, accordingly, **allowed**.

10. The impugned impugned FIR dated 09.05.2025 lodged by first informant-respondent-4, Smt. Priyanka Bansal and registered as Case Crime Number 33 of 2025, under Sections 498-A, 323, 406, 504, 506, 313 IPC and Section 3/4 Dowry Prohibition Act, Police Station-Mahila Thana, District-Gorakhpur (Annexure 1 to the writ petition) shall stand quashed.

October 8, 2026
Vinay

(Dr. Ajay Kumar-II,J.) (Rajeev Misra,J.)

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