2026:AHC:210090-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 23084 of 2024

Pawan @ Pawan Kumar Sharma And 6 Others

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Chandra Bhushan Yadav, Surendra Kumar
Counsel for Respondent(s)	:	G.A., Rahul Gaur

Court No. - 47

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

1. Case called out in the revised list.

2. Heard Mr. Surendra Kumar, learned counsel for petitioners and learned AGA representing state respondents 1, 2.

3. Perused the record.

4. Petitioners Pawan @ Pawan Kumar Sharma and 6 others have approached this court by means of the present Criminal Misc. Writ Petition challenging the impugned FIR dated 10.11.2024 lodged by first informant respondent 3, Praveen Sharma and registered as Case Crime No. 1074 of 2024 under Sections 498-A, 323, 313, 504, 506 IPC and 3/4 Dowry Prohibition Act, Police Station Highway, District Mathura.

5. Present writ petition came up for admission on 17.12.2024 and this court passed the following order:

"1. Heard learned counsel for the petitioners, learned AGA for the State and perused the record.

2. This writ petition has been filed with the prayer to quash the First Information Report dated 10.11.2024, registered as Case Crime No.1074 of 2024, under Sections-498-A, 323, 313, 504, 506, IPC and section 3/4 Dowry Prohibition Act, Police Station Highway, District Mathura.

3. It is stated that petitioners have been falsely implicated in the First Information Report and there is a genuine matrimonial issue in respect of which mediation ought to be tried first before proceeding with criminal investigation as it has the potential of disturbing the marital life for all times to come. Submission is that the matter be referred to Mediation Centre of this Court.

4. In the facts of the present case, we are of the view that an attempt be made to resolve the differences between the parties by way of mediation. The respondent no.3 is the brother of the wife of petitioner no.1. It is, therefore, directed that petitioners shall deposit a sum of Rs.30,000/- within two weeks from today with the Mediation Centre out of which Rs.25,000/- shall be paid to the respondent no.3 for appearance before the Mediation Centre. The remaining amount shall go to mediation centre towards the expenses of mediation.

5. The matter is remitted to the Mediation Centre with the direction that same may be resolved after giving notices to both the parties.

6. It is directed that Mediation Centre shall make all endeavours to resolve the dispute amicably, expeditiously, preferably within a period of three months.

7. List after three months before the appropriate Court.

8. Till the next date of listing, no coercive action shall be taken against the petitioners pursuant to the aforesaid First Information Report.

9. After depositing the amount as aforesaid, notice shall be issued to the parties. In the event of failure of compliance, the petition shall stand dismissed without reference to the Court."

6. Pursuant to the order dated 17.12.2024, petitioners deposited the requisite amount with the Mediation and Conciliation Centre, High Court Allahabad. Accordingly, notice was issued by the Mediation and Conciliation Centre, High Court Allahabad to first informant respondent 3. Parties appeared before Mediation and Conciliation Centre. They amicably settled the dispute in mediation proceedings. Accordingly, a settlement agreement dated 16.7.2025 was drawn by the Mediation and Conciliation Centre, High Court Allahabad. The same reads as under:

"This SETTLEMENT AGREEMENT entered into on 16.07.2025, between Pawan @ Pawan Kumar Sharma (Petitioner No. 1-Husband) and Swati Sharma (Wife) (Sister of Respondent No. 3).

WHEREAS

1. Disputes and differences had arisen between the Parties hereto and Criminal Misc. Writ Petition No. 23084 of 2024 was filed before the Hon'ble High Court.

2.The matter was referred to mediation / conciliation vide order dated 17.12.2024 passed by bench of Hon'ble Siddharth,J. And Hon'ble Subhash Chandra Sharma,J.

3.The parties agreed that Mr. Ashim Mukherjee and Ms. Sarita Singh, Advocates would act as their Conciliators/Mediators, in the Mediation Case No. 0661/2025.

4. Several joint and separate meetings were held during the process of Conciliation/Mediation on 19.02.2025, 12.03.2025, 02.04.2025, 30.04.2025, 21.05.2025, 04.06.2025, 11.06.2025 and 16.07.2025 and the parties have with the

assistance of the Mediator/Conciliator voluntarily arrived at an amicable solution resolving the above-mentioned disputes and differences.

5. The marriage between Pawan @ Pawan Kumar Sharma (Petitioner No. 1-Husband) and Swati Sharma (Wife) (Sister of Respondent No. 3) was solemnized on 23.11.2017. Out of aforesaid wedlock, parties have no issue. The parties have been living separately since 30.04.2024.

The parties hereto confirm and declare that they have voluntarily and of their own free will arrive at this Settlement Agreement in the presence of the Mediators/Conciliators.

In view of the Interim Settlements dated 21.05.2025 & 11.06.2025, *the following settlement has been arrived at between the Parties hereto:-*

(a) That both the parties have agreed to live separately and dissolve their marriage and in this regard they have filed a petition u/s 13-B of the Hindu Marriage Act before the Principal Judge, Family Court, Mathura and the same is registered as Matrimonial case No. 838 of 2025. The parties shall produce certified copy of the aforesaid divorce petition before the Hon'ble High Court at the time of hearing.

(b) That it has been agreed between the parties that petitioner no. 1-husband shall pay an amount of Rs.17,00,000/- (Rupees Seventeen Lakh only) to Swati Sharma (Wife) towards the permanent alimony including Stridhan and all her other financial claims and maintenance. The said amount shall be paid by way of demand draft drawn in her favour. After receiving this amount she shall not stake of any other claim of any nature whatsoever, claiming any further assistance/maintenance from the husband and she also undertakes that she shall not stake any claim in the property of husband or his family members.

(c) That on 21.05.2025, the petitioner no. 1-husband had produced a demand draft bearing no. 005540 dated 20.05.2025 drawn on State Bank of India for Rs.9,00,000/- (Rupees Nine Lakh only) in favour of Swati Sharma (wife) which is kept on record and the same has been handed over to the wife today i.e. 16.07.2025 and she has acknowledged the receipt of the same.

(d) That it has been agreed between the parties that the remaining amount i.e. Rs.8,00,000/- (Rupees Eight Lakh only) shall be paid by Pawan @ Pawan Kumar Sharma (Petitioner No. 1-Husband) to Swati Sharma (Wife) (Sister of Respondent No. 3) at the time of final judgment in Matrimonial Case No. 838 of 2025 pending in Family Court, Mathura by way of demand draft.

(e) That it has also been agreed between the parties that all civil and criminal cases filed by them against each other of their family members regarding present matrimonial dispute shall be withdrawn by the parties concerned by taking appropriate steps before the Court/authority concerned.

(f) That the parties will not file any fresh case against each other in respect of this matrimonial dispute. They have no claim against each other in future also.

8.-By signing this Agreement the Parties hereto state that the Criminal Misc. Writ Petition No. 23084 of 2024 and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of Conciliation/Mediation.

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

7. Learned counsel for petitioners has filed a supplementary affidavit. On the basis of averments made in the aforesaid supplementary affidavit, it is urged by the learned counsel for petitioners that during the pendency of present writ petition, parties agreed to terminate their marital relationships. Accordingly, the proceedings under Section 13B of the Hindu Marriage Act came to be initiated by first informant respondent 3 and petitioner 1, i.e. the wife and her husband. The said proceedings came to be registered as Matrimonial Case No. 838 of 2025, Smt. Swati Sharma vs. Pawan Sharma, in the court of Principal Judge, Family Court, Mathura. Aforementioned matrimonial suit came to be decreed by the Court concerned vide judgment and decree dated 14.1.2026.

8. On the above premise, the learned counsel for petitioners thus submits that once the parties have amicably settled their matrimonial dispute and their matrimonial relationship also stands terminated on account of decree of the court, therefore, no useful purpose shall be served in prolonging the criminal prosecution of petitioners pursuant to the impugned FIR. Attention of the court was invited to clause (e) of the settlement agreement of the settlement drawn at the Mediation and Conciliation Centre and on basis thereof it is submitted that both parties had agreed to withdraw civil and criminal cases lodged by them against each other.

9. On the strength of above submissions, it is thus urged by the learned counsel for petitioners that the impugned FIR is liable to be quashed by this court.

10. Per contra, the learned AGA representing state respondents 1, 2 does not oppose the present writ petition. Learned AGA submits that since dispute between the parties is basically a civil/matrimonial dispute, which is private in nature and not a crime against the state or society, therefore, he has no objection in case the present writ petition is decided by this court in terms of the compromise entered into by the parties.

11. Having heard the learned counsel for petitioners, the learned AGA

representing state respondents and upon perusing the record, we find that the dispute between the parties is basically a civil/matrimonial dispute. As such, the dispute between parties is purely a private and personal dispute and not a crime against state or society. We further find from the record that the parties have amicably settled their dispute outside the court in the mediation proceeding. One of the conditions agreed upon by the parties for arriving at the settlement was that they shall withdraw all civil and criminal cases lodged by them against each other. In view of the aforesaid compromise entered into by the parties, we do not find any exception on the record so as to prolong the criminal prosecution of petitioners pursuant to the impugned FIR.

12. As a result, the present writ petition succeeds and is liable to be allowed. It is hereby allowed. The impugned FIR dated dated 10.11.2024 lodged by first informant respondent 3, Praveen Sharma and registered as Case Crime No. 1074 of 2024, under Sections 498-A, 323, 313, 504, 506 IPC and 3/4 Dowry Prohibition Act, Police Station Highway, District Mathura (Annexure-1 to the writ petition) shall stand quashed.

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

Digitally signed by :-
MAHBOOB SAFI
High Court of Judicature at Allahabad