

**Case :-** APPLICATION U/S 482 No. - 10368 of 2017

**Applicant :-** Vijay Dutt Srivastava

**Opposite Party :-** State Of U.P. And Another

**Counsel for Applicant :-** Deepak Kumar Kulshrestha, Aklank Kumar Jain

**Counsel for Opposite Party :-** G.A.

**Hon'ble Rajesh Dayal Khare, J.**

Heard learned counsel for the applicant, Sri Anil Kumar Tripathi, learned counsel for the opposite party no.2 and learned A.G.A. for the State.

The present 482 Cr.P.C. petition has been filed for quashing the proceedings of Appeal No. 34 of 2014 in Case No. 12 of 2013 arising out of Case Crime No.27 of 2007 under Section 498A I.P.C., and Section 4 of Dowry Prohibition Act, Police Station Mahila Thana, District Agra pending before learned Additional District Judge, Court No.3, District Agra pursuant to the compromise dated 13.12.2016.

Learned counsel for the applicant contends that the matrimonial discord between the applicant and the opposite party no.2 has been amicable settled between the parties, copy of which is annexed as Annexure-3 to the affidavit accompanying the 482 Cr.P.C. application. It is further contended that the aforesaid compromise has also been acted upon between the parties as is evident from the perusal of the order of the Principal Judge, Family Court, Agra, copy of which is annexed as Annexure-4 to the affidavit accompanying the 482 Cr.P.C. Learned counsel has next contended that pursuant to the aforesaid compromise Rs. 15 lacs has also been paid over to the opposite party no.2. Learned counsel for the applicant has placed reliance on the judgment of Apex Court in the case of ***Manoj Sharma Vs. State, (2008)16 SCC1, Narinder Singh Vs. State of Punjab, (2014) 6 SCC 466, Yogendra Yadav Vs. State of Jharkhand (2014)*** and has submitted that since the matter has been compromised between the parties amicably, hence no fruitful purpose would be served if the prosecution of the applicant in the present case is allowed to go on as no grievance is left to the opp. party no.2, therefore, the present case be finally decided.

Learned counsel for the opposite party no.2 also states that the matrimonial discord has been compromised and the compromise has also been acted upon between the parties, pursuant to which, one time amount has also been received by the opposite party no.2. It is further contended that the opposite party no.2 does not want to proceed further with the matter.

In view of the fact that the husband and wife do not want to pursue the case any further as stated by them and as the matter is purely of personal nature and family dispute, which has been mutually settled between the parties, in view of the compromise, therefore, no useful purpose would be served in proceeding with the matter further.

Thus, in view of the well settled principles of law as laid down by the Hon'ble Apex Court reported in ***2003(4) SCC 675 (B.S. Joshi Vs. State of Haryana, Manoj Sharma Vs. State, (2008)16 SCC1, Narinder Singh Vs. State of Punjab, (2014) 6 SCC 466 and Yogendra Yadav Vs. State of Jharkhand reported in (2014), Nikhil Merchant Vs. Central Bureau of investigation and another, J.T., 2008(9) SC 192*** the proceedings of the aforesaid case is hereby set aside.

The present application is accordingly allowed.

**Order Date :-** 7.4.2017

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