

## Arif Khan vs State Of U.P. And Another on 28 February, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:28764

Court No. - 74

Case :- APPLICATION U/S 482 No. - 44188 of 2023 (Leading Application)

Applicant :- Arif Khan

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Om Prakash

Counsel for Opposite Party :- Azad Khan,G.A.

with

Case :- APPLICATION U/S 482 No. - 26292 of 2018 (Connected Application)

Applicant :- Arif Khan And 5 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Ali Hasan,Om Prakash

Counsel for Opposite Party :- Amit Kumar Srivastava,Azad Khan,G.A.,Mohini Jaiswal,Rafeek

Hon'ble Vikas Budhwar,J.

1. Heard Sri Om Prakash, learned counsel for the applicants and Sri S.K. Singh, learned A.G.A. for the State as well as Shri Azad Khan, counsel for opposite party no. 2 in both the applications.

2. The applicant herein has filed the present application u/s 482 Cr.P.C. for quashing of the entire criminal proceeding against the applicant arising out of Complaint Case No.549 of 2017 (Smt. Majda Khatoon Vs. Arif and others), under Sections 498-A, 323, 504, I.P.C., police station Kotwali Rath, District Hamirpur, pending before the Judicial Magistrate, Rath, District Hamirpur as well as summoning order dated 04.06.2018.

3. The leading application had been preferred for quashing of the summoning order dated 04.06.2018 as well as the entire proceedings in Criminal Complaint Case No. 549 of 2017 under Sections 498-A, 323, 504 of IPC by the applicant-Arif Khan, however, the connected application has been preferred by Arif Khan along with five others with the same relief.

4. In the connected application, on 02.08.2018, the following orders were passed:

"Heard Sri Om Prakash, learned counsel for the applicants and Sri Gaurav Pratap Singh, learned brief holding for the State.

This application under Section 482 Cr.P.C. has been filed for quashing the proceedings of Complaint Case No.549 of 2017 (Smt. Majda Khatoon Vs. Arif and others), under Sections 498-A, 323, 504, I.P.C., police station Rath, District Hamirpur, pending before the Judicial Magistrate, Rath, District Hamirpur as well as summoning order dated 04.06.2018.

The marriage between applicant no.1 and the daughter of opposite party no.2 was solemnized 12 years back.

After having very carefully examined, the submissions made by the learned counsel for the applicants and perused the material brought on record, I find that applicant no.1 is concerned, there is no justification for quashing the prosecution of the aforementioned case.

The prayer to that extent on behalf of applicant nos.1, namely, Arif Khan is hereby refused.

So far as applicant nos. 2 to 6 are concerned, it has been contended by learned counsel for the applicants that they are the family members of applicant no.1 and the allegation levelled against them are wholly vague and no specific allegation has been levelled against them. Learned counsel for the applicants has placed reliance on the judgment of the Apex Court in the case of Geeta Mehrotra Vs. State of U.P. and others reported in 2012 (10) ADJ 464.

Notice on behalf of opposite party no. 1 has been accepted by learned A.G.A.

Issue notice to opposite party no.2 returnable within four weeks at the address given in the application.

Opposite party no.2 may file counter affidavit within four weeks. Learned A.G.A. may also file counter affidavit within the same period. Rejoinder affidavit may thereafter be filed within two weeks.

List immediately after expiry of the aforesaid period before appropriate Bench.

Till the next date of listing, further proceedings of the aforesaid case against nos.2 and 6, namely, Jalilurrahman, Smt. Shahjahan Begum, Khalid Khan, Smt. Farjana and Jahangir Shekh, shall remain stayed.

It is made clear that proceedings of the present case shall go on against the husband of opposite party no. 2, if there is no legal impediment."

5. On the matter being compromised between the parties, Arif Khan who had earlier preferred the connected application, preferred the leading application in which on 04.01.2024, the following orders were passed:

"1. Supplementary affidavit filed by learned counsel for the applicant today in Court is taken on record.

2. Heard learned counsel for the applicant, learned AGA for the State and perused the record.

3. Learned counsel for the applicant has submitted that opposite party no.2 is wife of the applicant and on account of matrimonial discord, the present criminal case was instituted against the applicant, however subsequently, with the intervention of respected members of both the families, the parties have amicably and genuinely settled their all disputes and differences in order to maintain harmonious and cordial relations between them and now, they do not have any grievance against each other.

4. Learned counsel for the applicant has next drawn the attention of this Court to the compromise deed dated 24.09.2023 drawn between the parties, a copy of which has been annexed as Annexure SA1 to the supplementary affidavit.

5. Learned counsel for the applicant has next submitted that the said compromise made between the parties may be verified by the court below.

6. In view of the above, it is directed that the parties shall appear before the court below within one month, on a date to be fixed by the trial court and file a copy of the compromise deed dated 24.09.2023 and in the presence of the parties, the court below shall verify the said compromise and forward a report to this Court by the next date fixed.

7. Connect with Application u/s 482 No. 26292 of 2018 and list on 11.03.2024.

8. Till then, no coercive action shall be taken against the applicant in Criminal Complaint Case No. 549 of 2017, under Section 498A, 323, 504 IPC, Police Station Kotwali Rath, District Hamirpur, pending in the Court of Judicial Magistrate, Rath, District Hamirpur."

6. There happens to be a report of the Court of Judicial Magistrate, Hamirpur is 19.02.2025 and on 26.02.2024, the compromise entered into between the parties.

7. Prayer thus made is for quashing of the proceedings.

8. Learned AGA as well as Shri Azad Khan, counsel for opposite party no. 2 have no objection to the same.

9. Since the compromise stood verified, pursuant to an order passed in the leading application this nothing remains to be further adjudicated.

10. Accordingly, the present application stands allowed, the proceedings of Complaint Case No.549 of 2017 (Smt. Majda Khatoon Vs. Arif and others), under Sections 498-A, 323, 504, I.P.C., police station Kotwali Rath, District Hamirpur, pending before the Judicial Magistrate, Rath, District Hamirpur as well as summoning order dated 04.06.2018 stands quashed as against the applicant.

Order Date :- 28.2.2025 A. Prajapati