

# **Rahmat Khan vs State Of U.P. Thru. Prin. Secy. Lko. And ... on 27 March, 2025**

**Author: Manish Kumar**

**Bench: Manish Kumar**

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:17667

Court No. - 14

Case :- APPLICATION U/S 482 No. - 2172 of 2025

Applicant :- Rahmat Khan

Opposite Party :- State Of U.P. Thru. Prin. Secy. Lko. And Another

Counsel for Applicant :- D.S. Pandey, Firdaus Bano

Counsel for Opposite Party :- G.A., Arti Shukla

Hon'ble Manish Kumar, J.

The present case has been filed under Section 482 Cr.P.C. /528 of B.N.S.S. with the following main relief:-

"Wherefore, it is most humbly and respectfully prayed that this Hon'ble Court may kindly be pleased to quash/set aside the charge sheet dated 27.09.2022 as whole filed by investigating officer in the court of Additional Chief Judicial Magistrate, Court No.19, Sultanpur in Case Crime / F.I.R. No. 022/2022 u/s. 498-A, 323, 504, 506, I.P.C. and Section 3/4 D.P. Act, Police Station-Mahila Thana, District-Sultanpur as contained is annexure no. 1 to this petition Further be pleased to quash/set aside the

summoning order dated 15.01.2024 in Criminal Case No. 10330/2024 and bailable warrant dated 13.02.25 (State vs. Rahmat Khan and others) issued by Additional Civil Judge/ Judicial Magistrate, Sultanpur in Case Crime / F.I.R. No. 022/2022 u/s. 498-A, 323, 504, 506, I.P.C. and Section 3/4 D.P. Act, Police Station-Mahila Thana, District-Sultanpur as whole as contained in annexure no. 2 and 3 to this petition .

Further be also pleased to quash the whole proceedings of trial in Criminal Case No. 10330/2024 (State vs. Rahmat Khan and others) pending before Additional Civil Judge/ Judicial Magistrate, Sultanpur in Case Crime / F.I.R. No. 022/2022 u/s. 498-A, 323, 504, 506, I.P.C. and Section 3/4 D.P. Act, Police Station-Mahila Thana, District-Sultanpur pending before Additional Civil Judge (J.D), Court No. 38, Sultanpur "

It appears that on the basis of the joint submissions made by the learned counsel for the parties, this Court vide its order dated 10.03.2025 referred the matter to Mediation Centre of this Court so as to carve out possibility of amicable settlement of dispute between the parties. The same is quoted hereinbelow:-

" Vakalatnama filed by Ms. Arti Shukla, Advocate on behalf of the opposite party no. 2 in Court today is taken on record.

Heard learned counsel for the parties.

Taking note of the statement made by learned counsel for the parties that the dispute between the parties can be settled and decided amicably by way of mediation, let the matter be placed before Mediation and Conciliation Centre of this Court on 20.03.2025.

List/put up this case before this Court on 27.03.2025 as fresh along with mediation report showing the name of Ms. Arti Shukla, Advocate as counsel for the opposite party no. 2 .

Till the next date of listing, the proceedings in issue against the applicant shall be kept in abeyance.

It is made clear that in case settlement is not arrived at between the parties, the interim order would be extended only after hearing learned counsel for the applicant.  
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It also appears that in compliance of order of this Court dated 10.3.2025, a SETTLEMENT AGREEMENT has entered into between applicant/husband and opposite party No. 2/wife on 20.03.2025. The Mediation and Conciliation Centre has sent its report along with the settlement agreement, which is on the record.

Considering the aforesaid as also the submissions made by learned Counsel for the parties as also the observations made by Apex Court in the case of State of Karnataka Vs. L. Muniswamy and Others, 1977 (2) SCC 699; State of Haryana Vs. Bhajan Lal and Others, 1992 Supp (1) SCC 335; Prashant Bharti Vs. State (NCT of Delhi), (2013) 9 SCC 293; Rajiv Thapar and Ors. Vs. Madan Lal Kapoor, (2013) 3 SCC 330; Ahmad Ali Quraishi and Ors. Vs. State of Uttar Pradesh and Ors. (2020) 13 SCC 435, according to which inherent power under Section 482 Cr.P.C. (akin to Section 528 BNSS, 2023) could be exercised to prevent abuse of process of any Court or otherwise to secure ends of justice, as also the observations made by Apex Court in the case of Ramgopal and others Vs. State of Madhya Pradesh, (2022) 14 SCC 531, Gian Singh Vs. State of Punjab [2012 10 SCC 303], Mohd. Ibrahim Vs. State of U.P., 2022 SCC Online ALL 106, Gold Quest International Ltd. Vs. State of Tamilnadu, 2014 (15) SCC 235, B.S. Joshi Vs. State of Haryana, 2003 (4) SCC 675, Jitendra Raghuvanshi Vs. Babita Raghuvanshi, 2013(4) SCC 58, Madhavarao Jiwajirao Scindia Vs. Sambhajirao Chandrojirao Angre, 1988 1 SCC 692, Nikhil Merchant Vs. C.B.I. and another, 2008(9) SCC 677, Manoj Sharma Vs. State and others, 2008(16) SCC 1, State of M.P. Vs. Laxmi Narayan and others, 2019(5) SCC 688, Narindra Singh and others Vs. State of Punjab and another, (2014) 6 SCC 466, Manoj Kumar and others Vs. State of U.P and others (2008) 8 SCC 781, Union Carbide Corporation and others Vs. Union of India and others (1991) 4 SCC 584, Manohar Lal Sharma Vs. Principal Secretary and others (2014) 2 SCC 532 and Supreme Court Bar Association Vs. Union of India (1998) 4 SCC 409, according to which, in given facts, based upon the settlement between the parties the criminal proceedings can be quashed, as also the nature of dispute/crime being matrimonial in nature, this Court is of the view that the present application is liable to be allowed as chances of ultimate conviction are extremely bleak and hence no useful purpose would be served by allowing the criminal proceedings to continue.

Accordingly, present application is allowed. Consequently, the entire proceedings, quoted above, are hereby quashed as far as it is related to the the applicant.

Office/Registry is directed to send the copy of this order to the court concerned through email/fax for necessary compliance.

Order Date :- 27.3.2025 Ashish