

Chandrakant Pal And Others vs State Of U.P. And Others on 1 May, 2025

Author: Manju Rani Chauhan

Bench: Manju Rani Chauhan

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:70042

Court No. - 52

Case :- APPLICATION U/S 482 No. - 13342 of 2021

Applicant :- Chandrakant Pal And Others

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

Counsel for Applicant :- Shiv Kumar Gupta

Counsel for Opposite Party :- Rajesh Kumar Tiwari, Suraj Pandey

Hon'ble Mrs. Manju Rani Chauhan, J.

1. Heard Mr. Saroj Jaiswar, Advocate holding brief of Mr. Shiv Kumar Gupta, learned counsel for the applicants, Mr. Sundaram Singh, Advocate, holding brief of Mr. Suraj Pandey, learned counsel for the opposite party no.2 and Mr. Rizwan Ahmad, learned A.G.A. for the State as well as perused the entire material available on record.

2. The instant application has been filed by the applicants to quash the summoning order dated 29.01.2021 as well as proceeding of Complaint Case No.348 of 2020 (Smt. Raj Kumari Vs. Chandrakant Pal and others), under Sections 498A, 323, 504, 506 I.P.C. and Section 3/4 of D.P. Act, Police Station-Sarai Akil, District-Kaushambi, pending in the Court of learned Chief Judicial

Magistrate, Kaushambi.

3. By order dated 02.04.2025, the matter was referred to Mediation and Conciliation Centre of this Court. Pursuant to which, a compromise has taken place between the parties before the Mediation Centre. As per report of Mediation Centre dated 22.04.2025, the parties have arrived at final settlement agreement with the following conditions:-

"(a) That the parties have mutually agreed to part their ways amicably and agreed to dissolve their marriage and in this regard they have already filed a petition u/s 13-B of the Hindu Marriage Act before the Court of Civil Judge (S.D.) Kalyan at Kalyan, which is registered as Marriage Petition No.1427 of 2022. It has been agreed between the parties that they shall not resile from the aforesaid proceedings/petition and shall take it to its logical conclusion. The parties may produce the certified copy of the aforesaid divorce petition before the Hon'ble High Court at the time of hearing in the present case.

(b) That it had been agreed between the parties that in full and final settlement of all financial claims of Smt. Raj Kumari (O. P. No.2-wife) that may accrue against Chandrakant Pal (Applicant No.1-husband), the wife shall be paid a one time permanent alimony to the tune of Rs.20,20,000/-(Rupees Twenty Lakhs Twenty Thousand Only) by the Applicant No.1-husband. After receiving this amount of alimony the wife/O. P. No.2 shall not stake any claim of any nature whatsoever in the property of the husband and she also agrees that she shall not claim any further financial assistance of any nature whatsoever from the applicant No.1-husband. Out of the aforesaid amount of Rs.20,20,000/-(Rupees Twenty Lakhs Twenty Thousand Only), Rs. 5,00,000/- (Rs. Five Lakh Only) has already been paid to the O. P. No.2-Smt. Raj Kumari by the Applicant No.1-husband (Chandrakant Pal) on 11.03.2025 through demand draft bearing no.002426 dated 24.01.2025 drawn on HDFC Bank and the O. P. No.2-wife has acknowledged the receipt of the same.

(c) That the Applicant No.1-husband agrees to pay the remaining amount of Rs.15,20,000/-(Rs. Fifteen Lakh Twenty Thousand Only) to the O. P. No.2-wife on the day of filing of the Evidence Affidavit in the Marriage Petition No. 1427 of 2022.

(d) That O. P. No.2-wife has already withdrawn the Petition No. 376 of 2020 dated 18.12.2020, under Section 9 of the Hindu Marriage Act, 1955, filed by her before the Family Court, Kaushambi, Uttar Pradesh.

(e) That the O. P. No.2-wife states that the PWDVA Case No. 1461 of 2021 filed by her against the Applicant No.1 in Family Court, Kaushambi, Uttar Pradesh has already been disposed of on 23.07.2024.

(f) That the O. P. No.2-wife has already withdrawn the Criminal Miscellaneous Application No. 91/2021 filed by her against Applicant No.1-husband before the

Family Court, Kaushambi, Uttar Pradesh and further she will not execute the judgment/ Final Order passed in Criminal M.A. No. 55/2021 (125 Criminal Procedure Proceedings).

(g) That Chandrakant Pal (Applicant No.1-husband) and Smt. Raj Kumari (O. P. No.2-wife) have mutually agreed to exchange the gold items currently in the custody of Mr. Subhash Pal and Mr. Laldhari Pal respective relatives of both the parties and they have agreed to exchange the same on the date of filing of the Evidence Affidavit. The details of the said ornaments are mentioned in the Pursis filed before the Ld. Court at Kalyan.

(h) That the O. P. No.2-wife has agreed to transfer the title of Two Wheeler Vehicle "Activa" bearing Registration No. MH 05 DU 4851 by the virtue of signing the Transfer Form of the same. The said vehicle is in the possession of Applicant No.1-husband.

(i) That it is agreed between the parties that they will co-operate each other till the final judgment of this matter without making any allegations against each other failing which both shall be at liberty to approach appropriate forum for seeking relief.

(j) That it has also been agreed between the parties that apart from the cases mentioned above, if any civil and criminal cases is pending between the parties regarding present matrimonial dispute shall also be withdrawn by the parties concerned by taking appropriate steps before the Court/authority concerned.

(k) 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."

4. It has further been submitted by learned counsel for the applicants that pursuant to aforesaid agreement between the parties, the opposite party no.2 does not want to pursue the matter against the applicants and all disputes between them have come to an end, and therefore, further proceedings against the applicants in the aforesaid case is liable to be quashed by this Court.

5. Learned counsel for the opposite party no.2 too reiterates the submissions made on behalf of the accused-applicants and in so many words has urged before the Court that the opposite party no.2 has no objection if the present application in question is allowed and the impugned proceedings are quashed.

6. Before proceeding any further it shall be apt to make a brief reference to the following cases:

(i) B.S. Joshi and others Vs. State of Haryana and another (2003)4 SCC 675;

(ii) Nikhil Merchant Vs. Central Bureau of Investigation (2008)9 SCC 677;

(iii) Manoj Sharma Vs. State and others (2008) 16 SCC 1;

(iv) Gian Singh Vs. State of Punjab (2012) 10 SCC 303;

(v) Narindra Singh and others Vs. State of Punjab (2014) 6 SCC 466;

7. In the aforesaid judgments, the Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non compoundable offences. Reference may also be made to the decision given by this Court in Shaifullah and Others Vs. State of U.P. & Another; 2013 (83) ACC 278 in which the law expounded by the Apex court in the aforesaid cases has been explained in detail.

8. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by the counsel for the parties, the court is of the considered opinion that no useful purpose shall be served by prolonging the proceedings of the above mentioned criminal case as the parties have already settled their dispute.

9. Accordingly, the proceedings of summoning order dated 29.01.2021 as well as Complaint Case No.348 of 2020 (Smt. Raj Kumari Vs. Chandrakant Pal and others), under Sections 498A, 323, 504, 506 I.P.C. and Section 3/4 of D.P. Act, Police Station-Sarai Akil, District-Kaushambi, pending in the Court of learned Chief Judicial Magistrate, Kaushambi, are hereby quashed.

10. The applications are, accordingly, allowed. There shall be no order as to costs.

Order Date :- 1.5.2025 Rahul.