

# **Smt. Anju And Another vs State Of U.P. And Another on 1 April, 2025**

**Author: Manju Rani Chauhan**

**Bench: Manju Rani Chauhan**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:45054

Court No. - 52

Case :- APPLICATION U/S 482 No. - 29476 of 2021

Applicant :- Smt. Anju And Another

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

Counsel for Applicant :- Adesh Kumar

Counsel for Opposite Party :- G.A.,Manish Kumar Tripathi

Hon'ble Mrs. Manju Rani Chauhan,J.

1. Heard Sri Adesh Kumar, learned counsel for the applicants, Sri P.K. Singh, learned Brief Holder for the State, Sri Ashutosh Shukla, learned Advocate holding brief of Sri Manish Kumar Tripathi, learned counsel for opposite party no. 2 and perused the record.

2. This application under Section 482 Cr.P.C. has been filed challenging the summoning order dated 06.04.2021 passed by learned Judicial Magistrate, Baghpat and the proceedings of Complaint Case No. 2674 of 2020, Robin v. Anju & others, under Section 312 I.P.C., Police Station Singhawali Aheer, District Baghpat, pending in the court of Judicial Magistrate, Baghpat.

3. Earlier, the matter was referred to Mediation Centre by order dated 21.03.2022 passed by the coordinate Bench of this Court.

4. Learned counsel for the applicants points out that due to matrimonial discord, cases were lodged by wife against husband ? Robin, who approached this Court by means of filing Criminal Misc. Application U/s 482 No. 18374 of 2020. In the said petition by order dated 09.12.2020, the matter was referred to Mediation Centre, wherein the parties have amicably settled their dispute and have agreed to withdraw the cases pending between them in view of the settlement arrived at between the parties. Accordingly, a coordinate Bench of this Court vide order dated 16.08.2022 has quashed the proceedings. The order dated 16.08.2022 reads thus:

"List revised.

Heard Sri Rohit Shukla, Advocate holding brief of Sri Manish Kumar Tripathi, learned counsel for the applicant, Sri B.B. Upadhyay, learned counsel for the State and perused the records.

The present application under Section 482 Cr.P.C. has been filed by the applicant with the prayer to allow the present application and quash the entire proceeding of Case No. 9597 of 2020, State vs. Robin, in Case Crime No. 13 of 2020, under Section 498-A IPC, Police Station Mahila Thana, District Meerut, as well as charge sheet dated 20.9.2020 and cognizance order dated 13.10.2020 passed by the Civil Judge (J.D.), FTC, Meerut and with the further prayer to stay the further proceedings including charge sheet and cognizance order of aforesaid case, during the pendency of present application.

The matter was referred to the Mediation Centre of this Court vide order dated 09.12.2020 for making an effort between the parties for settling their disputes amicably.

As per report of Mediation Centre dated 18.6.2022 the parties have amicably settled their dispute and further agreed to withdraw the cases going on between them in view of interim settlement agreement dated 21.5.2022.

As per the office report dated 3.8.2022, a report from the Mediation Centre of this Court is on record which states that mediation between the parties is successful.

From perusal of the report of Mediation Centre of this Court, it appears that in pursuance of the said order the mediation proceedings were taken up which ended in a settlement dated 18.6.2022 between the parties and the Mediation succeeded. The parties have settled their grievances and even the dispute arising in the present matter. The parties have agreed to withdraw the cases going on between them, the said fact is mentioned in para 7(e) of the said mediation report.

Learned counsel for the applicant states that a case under Section 13 B of the Hindu Marriage Act is pending before the Principal Judge, Family Court, Meerut as Matrimonial Case No. 1353 of 2022. Learned counsel assures that the applicant shall abide by all the terms and conditions of settlement agreement arrived at between the parties before the mediation centre of this Court and shall fully co-operate with expeditious disposal of the said case pending before the Principal Judge, Family Court, Meerut. He prayed that a direction for expeditious disposal of the same be given.

The law with regards to quashing of a case on the basis of settlement arrived between the parties, is well settled. The Apex Court in the cases of (1) B.S. Joshi and others Vs. State of Haryana and another: (2003)4 SCC 675; (2) Nikhil Merchant Vs. Central Bureau of Investigation : (2008) 9 SCC 677; (3) Manoj Sharma Vs. State and others: (2008) 16 SCC 1; (4) Gian Singh Vs. State of Punjab: (2012) 10 SCC 303; (5) Shaifullah and others Vs. State of U.P. And another: 2013 (83) ACC 278 and (6) Parbatbhai Ahir@Parbatbhai @ Bhimsinbhai Karmur and others Vs. State of Gujarat and another: (2017) 9 SCC 641 has held that the cases in which the parties have settled their grievances can be quashed.

From perusal of the records and the law laid down by the Apex Court on the subject matter, the present case is a good case for exercising powers by this Court to quash the proceedings as prayed for by the applicant(s).

The present application is allowed.

The entire proceedings of the aforesaid case as well as charge sheet dated 20.9.2020 and cognizance order dated 13.10.2020 in the aforesaid case are hereby quashed.

However the Principal Judge, Family Court, Meerut is directed to expedite the hearing of the said case and decide the same within 30 days from the date of production of certified copy of this order.

Office is directed to communicate this order to the concerned court within two weeks from today."

5. I have considered the submissions advanced by learned counsel for the parties and perused the record.

6. In view of the afore-quoted order passed by in Criminal Misc. Application U/s 482 No. 18374 of 2020 and the conditions of the settlement arrived at between the parties, as mentioned in the report, continuance of proceedings are nothing but an abuse of process of the Court.

7. Accordingly, the impugned summoning order dated 06.04.2021 passed by learned Judicial Magistrate, Baghpat and the proceedings of Complaint Case No. 2674 of 2020, Robin v. Anju &

others, under Section 312 I.P.C., Police Station Singhawali Aheer, District Baghpat pending in the court of Judicial Magistrate, Baghpat, are hereby quashed.

8. The application is, accordingly, allowed. There shall be no order as to costs.

9. A copy of this order be sent to the court concerned forthwith.

Order Date :- 1.4.2025 DS