

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

BEFORE

HON'BLE SHRI JUSTICE ATUL SREEDHARAN

ON THE 16th OF JANUARY, 2023

MISC. CRIMINAL CASE NO. 28128 of 2022

BETWEEN:-

1. **ABHISHEK SHRIVASTAVA S/O LATE
SHRI MOHAN BIHARI SHRIVASTAVA,
AGED 36 YEARS, OCCUPATION PRIVATE
JOB, C-5 A/102, FIRST FLOOR,
JANAKPURI, NEW DELHI 110058**
2. **SMT. KRISHNA SHRIVASTAVA W/O
LATE SHRI MOHAN BIHARI
SHRIVASTAVA, AGED 68 YEARS,
OCCUPATION: RETIRED, C-5 A/102,
FIRST FLOOR, JANAKPURI, NEW
DELHI 110058**

.....PETITIONERS

(BY SHRI SURESH AGRAWAL - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH
THROUGH SUPERINTENDENT OF
POLICE, GWALIOR**
2. **TOWN INSPECTOR ,POLICE STATION
MAHILA, PADAV DISTRICT GWALIOR**
3. **SMT. ANUMEHA SHRIVASTAVA W/O
SHRI ABHISHEK SHRIVASTAVA D/O
SHRI ALOK SAXENA, FORD VIEW
COLONY, KOTESHWAR TIRAHA,
NEAR MASZID, GWALIOR**

.....RESPONDENT

**(BY MS. KALPANA PARMAR – PANEL
LAWYER FOR THE RESPONDENTS NO.1
AND 2/STATE)**

**(BY SHRI PRAVEEN KUMAR CHATURVEDI –
ADVOCATE FOR RESPONDENT NO.3)**

*This petition coming on for hearing this day, the Court passed the
following:*

ORDER

The present petition has been filed by the petitioners seeking quash of Crime No.11 of 2017 and all subsequent proceedings arising therefrom. The said offence was registered by the respondent No.3 for the offence under Sections 498A, 377 read with 34 of IPC and Section 3/4 of the Dowry Prohibition Act read with Section 66 (E) of the Information Technology Act. During the pendency of this petition, compromise has been arrived at between the petitioner No.1 and the respondent No.3 on account of which divorce has taken place between them which has been affirmed by the High Court and that the parties are living separately. The parties were directed to appear before the Principal Registrar who recorded the statements of both the parties and found that the said statements of compromise were made without any kind of coercion or extraneous influence. It also recorded that the offences under Section 377 of IPC and Section 4 of the Dowry Prohibition Act and Section 66 (E) of the Information Technology Act are non-compoundable.

However to ensure harmony between the parties which has been brought by way of settlement and as the criminal case also arises from a

matrimonial dispute and as the same has been settled between the parties, the continuation of the criminal proceedings would ensure that bad blood continues to exist between the petitioners and the respondent No.3.

Under the circumstances, in view of the compromise affected between the parties and the proceedings before the Principal Registrar dated 18.07.2022, the petition is allowed. Crime No. 11 of 2017 of Police Station Mahila Padav, District Gwalior stands quashed along with all ancillary proceedings may be pending in any court of law.

With the above, the petition is **disposed of**.

Certified copy as per rules.

(ATUL SREEDHARAN)
JUDGE

AK/-