

Allahabad High Court

Rahul Gupta & Others vs State Of U.P. & Another on 4 January, 2010

Court No. - 53

Case :- APPLICATION U/S 482 No. - 24930 of 2008

Petitioner :- Rahul Gupta & Others

Respondent :- State Of U.P. & Another

Petitioner Counsel :- Brijesh Sahai

Respondent Counsel :- Govt. Advocate

Hon'ble Dasu Ram Azad, J.

(Court NO. 53) Criminal Misc. Application No. 24930 of 2008 ***
Rahul Gupta & others Vs. State of U.P. and others. Hon'ble D.R. Azad, J Heard Sri Sushil Kumar Dubey, learned counsel for the applicants, Sri Sudhir Saundilya learned counsel for the Opp. Party No. 2, learned A.G.A. for the State and perused the material placed on record. This Criminal Misc. application under Section 482 Cr.P.C. has been filed with a prayer to quash the proceedings of S.T. No. 111 of 2008 (State Vs. Suresh Kumar Gupta and others) under Sections 498A, 323, 315, 504 and 506 and 218 I.P.C. and Section 3 / 4 of Dowry prohibition Act Police Station Konch, District Jalaun pending in the court of IInd Addl. Sessions Judge, Orai. District Jalaun.

Vide order dated 18.6.2008, after hearing counsel for the applicants and the learned A.G.A., this Court was pleased to refer the matter to Mediation and Conciliation Centre and it is further stated that no coercive steps shall be taken against the applicants in S.T. No. 111 of 2008 (State Vs. Suresh Kumar Gupta and others) under Sections 498A, 323, 315, 504 and 506 and 218 I.P.C. and Section 3 / 4 of Dowry prohibition Act Police Station Konch, District Jalaun pending in the court of IInd Addl. Sessions Judge, Orai. District Jalaun.

Vide report dated 7.10.2009 of Mediation and Conciliation Centre, it is clear that the parties have entered into compromise and there is no dispute and differences between the parties and all disputes and differences have been amicably settled by the parties through the process of mediation and conciliation centre.

Learned counsel for the applicant filed an application dated 8.11.2009 supported with an affidavit, in which in para - 3 it has been mentioned that on 7.10.2009 a settlement agreement was entered into between the parties before the Mediation and Conciliation Centre and the amount settled in the Marriage Petition No. 50 of 2006, against which Execution Case No. 1 of 2009 was pending before the Addl. District & Sessions Judge, Orai District Jalaun was paid by Sri Rahul Gupta to Smt. Yogita Gupta.

Learned counsel for the applicant placed reliance on the observations made by the Apex Court in the case of B.S. Joshi Vs. State of Haryana and another, reported in 2003 (46) A.C.C. 779 S.C. and in the case of Ruchi Agrawal Vs. Amit Kumar Agrawal and others, reported in 2004 (3) J.I.C.769 S.C.. The Hon'ble Apex Court quashed the proceedings of criminal case on the basis of the compromise filed between the parties mainly on the ground that no lawful purpose would be served by continuance of the proceedings between the parties. In view of the above decisions of the Hon'ble Apex Court, the proceedings of 111 of 2008 (State Vs. Suresh Kumar Gupta and others) under Sections 498□ A, 323, 315, 504 and 506 and 218 I.P.C. and Section 3 / 4 of Dowry prohibition Act Police Station Konch, District Jalaun pending in the court of IInd Addl. Sessions Judge, Orai. District Jalaun, is hereby quashed.

Learned counsel for the applicant is directed to produce certified copy of this order before the IInd Addl. Sessions Judge, Orai District Jalaun for information and its compliance within a period of 15 days from the date a certified copy of this order is produced before him. With the aforesaid direction, this application is disposed of finally. Dt: 4.1.2010 n.u.