

(2012) 01 AHC CK 0355
In the Allahabad High Court
Case No : Application No. - 21245 of 2010

Amit Tripathi and Others

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision : 12-01-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 323, 498A

Citation : (2012) 01 AHC CK 0355

Hon'ble Judges : Rajesh Dayal Khare, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Hon"ble Rajesh Dayal Khare, J.—Heard learned counsel for the applicants and learned A.G.A. for the State. On the request of learned counsel for the applicants, another Bench of this Court, vide order dated 21.06.2010 had referred the matter to mediation centre. The Incharge mediation centre vide its report dated 19.05.2011, had reported that mediation between the parties has been successful whereby the applicant no.1 namely, Amit Tripathi (husband) and opposite party no.2 namely, Soni Tripathi (wife) have agreed to live separate by way of mutual divorce on a permanent alimony of Rs. 4,21,000/- copy of which report is on record.

2. The present 482 Cr.P.C. petition has been filed for quashing the proceedings of Complaint Case No. 1080 of 2009 (Smt. Soni Tripathi Vs. Amit Tripathi and others), under Sections 498A, 323 I.P.C., and Section 3/4 of Dowry Prohibition Act, Police Station Bhoginipur, District Kanpur Dehat, pending before learned Judicial Magistrate, Bhoginipur, District Kanpur Dehat.

3. Learned counsel for the applicants has argued that the compromise between the parties and the amount of permanent alimony has already been paid by the applicant no.1 to the opposite party no.2. It is further contended that mutual

divorce has also been taken place between the parties.

4. In view of the fact that the husband and wife do not want to pursue the case any further as stated by them. The matter is purely of personal nature and family dispute, which has been mutually settled between the parties, in view of the compromise dated 19.05.2011, therefore, no useful purpose would be served in proceeding with the matter further.

5. Thus, in view of the well settled principles of law as laid down by the Hon''ble Apex Court reported in B.S. Joshi and Others Vs. State of Haryana and Another, as well as the Judgment of the Apex Court reported in Nikhil Merchant Vs. Central Bureau of Investigation and Another, , the proceedings of the aforesaid case is hereby set aside. The present application is accordingly allowed.