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**(2008) 04 AHC CK 0021**

**In the Allahabad High Court**

**Case No :** Criminal Miscellaneous Writ Petition No. 1373 of 2008

Dr. Sujoy Dutta

APPELLANT

Vs

State of U.P.

RESPONDENT

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**Date of Decision :** 15-04-2008

**Acts Referred:**

**Citation :** (2008) 28 CriminalCC 804

**Hon'ble Judges :** K.K. Misra, J;D.V. Sharma, J

**Bench :** Division Bench

**Advocate :** A.R. Masoodi, for the Appellant; CSC, for the Respondent

**Final Decision :** Allowed

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## **Judgement**

K.K. Misra and D.V. Sharma, JJ.—Heard learned Counsel for the petitioner and learned AGA.

2. It appears that since the matter related to matrimonial dispute, it was sent to the Mediation Centre of Lucknow Bench of Allahabad High Court by this Court, where the parties appeared on 15.02.2008 and through Ms. Madhumita Bose, Advocate, mediator, the matter has been amicably settled between the parties vide Annexure E/D on record, whereby all disputes and differences came to an end. In matrimonial matters, the Courts have always taken a different view and wanted to resolve the dispute by precluding the parties in dragging unnecessarily the litigation, which may amount to abuse of process of the Court. The Hon'ble Apex Court in an identical matter of B.S. Joshi and Others v. State of Haryana and Another, 2003 ACJ 621 (S.C.) : 2003 (2) CCC 161 (S.C.) : 2003 (51) ALR 222 : 2003 (5) AIC 42 (SC) and (SC) Ruchi Agarwal v. Amit Agarwal and Others, 2005 (1) CCC 611 (S.C.) : 2005 (25) AIC 14 (SC) considered this aspect and foreclosed the proceedings in the light of the settlement made by the parties and quashed the criminal proceedings.

3. In view of the aforesaid lime light, it transpires that while the parties have compromised and in case they are further dragged into the litigation, then no

useful purpose would be served and it may amount to abuse of process of the Court. Hence, interest of justice would suffice, if criminal proceedings are foreclosed. It further appears that on the basis of subsequent development the genuineness of the FIR appears to be highly doubtful and appears to be coloured and untrustworthy. As such the FIR has to be quashed.

4. Vis-a-vis in the sequence of events referred to above, the writ petition succeeds and the FIR in question is hereby quashed. No costs.