
(2012) 01 AHC CK 0122

In the Allahabad High Court

Case No : Application U/s 482 No. 24782 of 2009

Kumari Supriya and Others

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision : 13-01-2012

Acts Referred:

Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 323, 498A, 504, 506

Citation : (2012) 01 AHC CK 0122

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, Sri S.S.Mishra, Learned Counsel for the opposite party No. 2 and learned A.G.A. for the State. On the request of Learned Counsel for the applicants, this Court vide order dated 13.11.2009 had referred the matter to mediation centre. The In charge mediation centre vide its report dated 25.01.2011 had reported that mediation between the parties has been successful whereby the husband Sunil Kumar and wife Sangeeta Devi have entered into settlement agreement and they have decided to live separate on payment of permanent alimony of Rs. 1 lacs, copy of which report is on record.

2. Learned Counsel for the applicant has argued that the matter has been compromised on 25.01.2011 and the permanent alimony amount has already been paid to the opposite party No. 2 therefore, the present case be finally decided.

3. 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 25.01.2011, therefore, no useful purpose would be served in proceeding with the matter further.

4. 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 case No. 972 of 2008, under Sections 498A, 323, 504, 506 I.P.C., and Section 3/4 of Dowry Prohibition Act, Police Station Malwa, District Fatehpur, pending before learned additional Civil Judge (Junior Division)/Judicial Magistrate, Court No. 14, District Fatehpur is hereby set aside.The present application is accordingly allowed.