
(2010) 04 AHC CK 0148
In the Allahabad High Court

Munta & Others

APPELLANT

Vs

State of U.P. & Another

RESPONDENT

Date of Decision : 29-04-2010

Acts Referred:

Citation : (2010) 04 AHC CK 0148

Hon'ble Judges : Arvind Kumar Tripathi, J

Final Decision : Allowed

Judgement

Arvind Kumar Tripathi, J.—The present application under section 482 Cr.P.C. has been filed for quashing of entire proceeding in Case No. 5100 of 2009, Case Crime No. 1335 of 2009, under sections 498A and 323 I.P.C. And D.P.Act, P.S. Bachhrayun, District J.P.Nagar, pending in the Court of J.M., J.P.Nagar, with the prayer to pass another order which might be fit and proper in the circumstances of case.

2. Heard learned counsel for the parties and perused the record.

3. By order dated 09.12.2009 parties were directed to appear and further proceeding was stayed. In compliance of the aforesaid order, applicant No.3 Waseem Ahmad (husband) and O.P.No.2 Smt. Shamshida (wife) are present with a minor son in her lap.

4. Learned counsel for the applicants contended that it is a matrimonial and family dispute. Due to misunderstanding first information report was filed. However, parties have settled the matter, and now living together along with her husband and she came along with her husband before this Court. O.P. No.2 stated before the Court that they have settled the matter. Now she is living along with her husband and she want to live along with her husband. She further stated that she does not want to continue criminal proceeding.

5. In view of the facts and circumstances, it is clear that parties have settled the matter. Since it is a matrimonial dispute, matter is of purely personal nature in which parties have settled the matter, hence in the interest of justice it is neither

advisable nor proper to continue the criminal proceeding. Hence, in the light of the judgment of Apex Court in the case of B.S. Joshi Vs State of Haryana reported in 2003 (4) SCC 675 and Madan Mohan Abbat Vs State of Punjab 2008(4) SCC 582, proceeding in Case No. 5100 of 2009, Case Crime No. 1335 of 2009, under sections 498A and 323 I.P.C. And D.P. Act, P.S. Bachhrayun, District J.P.Nagar, pending in the Court of J.M., J.P.Nagar, is hereby quashed.

6. Accordingly, the present application is hereby allowed. Interim order dated 09.12.2009 is hereby discharged. No order as to cost.