
(2011) 09 AHC CK 0278
In the Allahabad High Court
Case No : Writ Petition No. 2528 of 2010

Nafeesa and others

APPELLANT

Vs

State of U.P.and another

RESPONDENT

Date of Decision : 16-09-2011

Acts Referred:

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

Citation : (2011) 09 AHC CK 0278

Hon'ble Judges : Satyendra Singh Chauhan, J

Final Decision : Allowed

Judgement

Satyendra Singh Chauhan, J.

1. Heard learned Counsel for the parties. This petition has been filed for quashing of the chargesheet dated 27.4.2010 submitted in Criminal Case No. 2033 of 2010 arising out of Case Crime No. 548 of 2008 under sections 498A, 323 and 506, IPC and section 3/4, Dowry Prohibition Act, Police Station Gonsainganj, District Lucknow.

2. The husband and the wife both are present and they have stated that they are living together happily and the differences between them have been sorted out. Affidavits to the same effect have also been filed by both the parties alongwith the supplementary affidavit in which it has been said that the wife does not want to prosecute the husband any further and they want to withdraw the cases which are pending against each other.

3. Submission of learned Counsel for the petitioners is that this Court by means of order dated 28.5.2010 referred the matter to the Mediation Centre and thereafter the parties have entered into a compromise outside the Court in which it was agreed that all the cases, including the present case, pending against them either civil or criminal shall be withdrawn or to not pressed by either of the parties.

4. Counsel for the petitioners submits that parties have entered into a compromise and they have agreed to withdraw all the cases either civil or criminal nature, including the present case. Therefore, the chargesheet filed against the petitioners is liable to be quashed in view of the law propounded by the Apex Court in the case of B.S. Joshi and another v. State of Haryana and another.¹

5. Since the parties have agreed that no further prosecution shall take place at the instance of opposite party No. 2, therefore, the chargesheet filed against the petitioners is liable to be quashed.

6. The petition is accordingly allowed and the charge sheet dated 27.4.2010 submitted in Criminal Case No. 2033 of 2010 arising out of Case Crime No. 548 of 2008 under sections 498A, 323 and 506, IPC and section 3/4, Dowry Prohibition Act, Police Station Gonsainganj, District Lucknow, pending in the Court of Additional Chief Judicial MagistrateII, Lucknow is hereby quashed.

Civil Petition Allowed.