
(2012) 01 AHC CK 0520
In the Allahabad High Court
Case No : Application No. - 15605 of 2009

Ram Kishore Agrawal and Another	Vs	APPELLANT
State of U.P. and Another		RESPONDENT

Date of Decision : 12-01-2012

Acts Referred:

Penal Code, 1860 (IPC) — Section 406

Citation : (2012) 01 AHC CK 0520

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 Nigmendra Shukla, learned counsel for the opposite party no.2 and learned A.G.A. for the State.

2. Vide earlier order of this Court dated 08.07.2009 shows that another Bench of this Court had issued notice to the opposite party no.2 and till the next date of listing, further proceedings of complaint case no. 148 of 2008, u/s 406 I.P.C., pending before Additional Chief Judicial Magistrate, District Bulandshahr, had been stayed.

3. Today joint affidavit has been filed on behalf of Arun Kumar Agarwal (husband) and Smt. Priyanka Agarwal (wife) which is taken on record, in which, it has been stated that Arun Kumar Agarwal and Smt. Prinyanka Agarwal (husband and wife respectively) have mutually settled their dispute and they are living together as husband and wife and they do not want to pursue the matter.

4. In view of the aforesaid 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. 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 complaint case no. 148 of 2008, u/s 406 I.P.C., pending before Additional Chief Judicial Magistrate, District Bulandshahr, is hereby set aside.

6. The present application is accordingly allowed.