
(2011) 11 AHC CK 0299
In the Allahabad High Court
Case No : Application No. 35334 of 2011

Ramesh Chandra and Others

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision : 21-11-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 406, 498A, 504, 506

Citation : (2011) 11 AHC CK 0299

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.K. Tiwari and Sri B. Dixit, learned counsel who has put in appearance on behalf of opposite party no.2 who has filed their joint Percha, which has been taken on record and the learned AGA for the State-respondent.

2. The present 482 Cr.P.C. petition has been filed for quashing of the summoning order dated 20.4.2000, passed by Chief Judicial Magistrate-IV, Etawah, in Complaint Case no.1396 of 2006, Neetu Vs. Ramesh Chandra and Others, under Sections 498-A, 504, 506, 406 IPC, police station Kotwali, Etawah, pending before the aforesaid Court.

3. Learned counsel for the applicants as well as the opposite party no.2 states that the present matter is a matrimonial matter in which parties have entered into a compromise agreement/affidavit dated 21.9.2011, copy of which has been filed as Annexure-3 to the affidavit accompanying the present application. It is contended by the learned counsel for the applicants as well as opposite party no.2 that the applicant no.1 and opposite party no.2 are living together as husband and wife and out of the said wedlock, two children has also been born. It is thus contended that no offence under Sections 498A, 504, 506 & 406 IPC is made out against the applicants.

4. As stated by the opposite party no.2 and the husband that the parties do not want to prosecute the case any further therefore, no useful purpose would be served in proceeding with the matter any further. The matter is purely a personal nature and family dispute, which has been mutually settled between the parties.

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 aforesaid case is hereby set aside. The present 482 application is accordingly allowed.

No order as to costs.