
(2007) 05 AHC CK 0183

In the Allahabad High Court

Case No : Criminal Miscellaneous Application No. 3870 of 2006

Shikha Singh and Others

APPELLANT

Vs

State of U.P.and Another

RESPONDENT

Date of Decision : 14-05-2007

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 452, 504, 506

Citation : (2007) 05 AHC CK 0183

Hon'ble Judges : Vinod Prasad, J

Final Decision : Allowed

Judgement

Vinod Prasad, J.—The applicants Shika Singh, Alrafeo M. Mogani and Sunil Kumar have invoked inherent jurisdiction of this Court praying for quashing of the proceeding of Case No. 328 of 2006 (Crime No. 1047 of 2004) State v. Shikha Singh and Ors., under Sections 452, 504, 506 and 427 I.P.C. pending before Special Chief Judicial Magistrate, Allahabad in view of compromise dated 22122004 (Annexure No. 8).

2. The necessary facts in short are that Shikha Singh, Advocate of this Court was married with Ram Kumar, respondent No. 2 in 1993. There was some misgivings between the spouses as a result of which, applications were filed by both the parties against each other. Civil and criminal litigations started between them but the parties entered into the compromise and the civil litigation including the divorce proceedings came to an end on the basis of the said compromise. In this case, the applicants were chargesheeted on the F.I.R. lodged by husband respondent No. 2 Ram Kumar Singh, which resulted in a case registered against the applicants in the Court, which is being prayed to be quashed.

3. In this matter both wife and husband, applicant No. 1 Shikha Singh and respondent No. 2 Ram Kumar, informant have appeared before me and the informant Ram Kumar Singh, respondent No. 2 had also filed a counteraffidavit. Both the parties mentioned before the Court that they have entered into a

compromise and the divorce proceeding etc. has come to an end and, therefore, the above proceedings pending before Special Chief Judicial Magistrate, Allahabad be also quashed.

4. I have heard both the sides. In view of law laid down by the Apex Court in 2004(3) JIC 769 (SC) : 2004 (8) Supreme 525, Ruchi Agarwal v. Amit Kumar Agarwal and Ors., I consider it appropriate that since both the parties have entered a into compromise, therefore, the prosecution should be quashed.

5. Hence this Criminal Misc. Application No. 3870 of 2006, Shikha Singh and Ors. v. State of U.P. and Anr., is allowed.

6. Criminal Case No. 328 of 2006, State v. Shikha Singh and Ors., under Sections 452, 504, 506 and 427 I.P.C. pending before Special Chief Judicial Magistrate, Allahabad relating to Crime No. 1047 of 2004, P.S. Khuldabad, District Allahabad is hereby quashed.

7. Let a copy of this order be sent to the trial Court for its intimation.

Application allowed