
(2011) 02 AHC CK 0317
In the Allahabad High Court
Case No : Misc. Bench No. 6265 of 2010

Smt. Ritu and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 25-02-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 125
Dowry Prohibition Act, 1961 — Section 3, 4
Hindu Marriage Act, 1955 — Section 13B, 14, 27
Penal Code, 1860 (IPC) — Section 307, 313, 316, 323, 406

Citation : (2011) 02 AHC CK 0317

Hon'ble Judges : Ashwani Kumar Singh, J; Abdul Mateen, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Heard Sri Nadeem Murtaza, learned Counsel for the Petitioners, learned Additional Government Advocate and Sri Salil K. Srivastava learned Counsel for opposite party No. 4.
2. By means of this petition the Petitioners have prayed for a writ of certiorari quashing the first information report in case crime No. 52 of 2010 under Sections 498A, 323, 504, 506, 406, 316 I.P.C. and 3/4 Dowry Prohibition Act, police station Mahila Thana, District Lucknow.
3. This Court vide order dated 5.7.2010 directed that the matter be referred to Mediation and Conciliation Centre of this Court considering that the matter between the parties related to matrimonial dispute and there was every possibility that the parties may reconcile their dispute.
4. Report of the Mediation and Conciliation Centre dated 20.12.2010 is on record. From the report, it is borne out that the parties have settled all disputes between them. The parties have also agreed upon that all the legal Civil or Criminal proceedings initiated by either party, which have been mentioned in para 6(d) of the settlement agreement, will not be pursued by the respective parties and shall

be got withdrawn in accordance with the agreement entered into between them.

5. Accordingly the writ petition is allowed and the proceedings in Criminal Case No. 590/2010, u/s 125 Code of Criminal Procedure pending in the court of Principal Judge, Family Court, Lucknow; Complaint Case No. 6303/2010 under Sections 498A, 323, 504, 506, 406, 313 and 307 I.P.C. read with Section 3/4 Dowry Prohibition Act pending in the court of C.J.M., Lucknow and Case No. 4929/2010 arising out of crime No. 52/10 under Sections 498-A, 323, 504, 506, 406, 316 I.P.C. read with Section 3/4 Dowry Prohibition Act, police station Mahila Thana, District Lucknow pending in the court of C.J.M. Lucknow are hereby quashed in view of the law laid down by the apex court in the case of B.S. Joshi and Others Vs. State of Haryana and Another,

6. Case No. 71/2010, u/s 14 and u/s 27 of the Hindu Marriage Act and Case No. 149/2010 u/s 13-B, Hindu Marriage Act, pending in the court of Principal Judge, Family Court, Lucknow shall be decided by the court concerned, in accordance with law, in view of the agreement entered into between the parties.

7. The agreement entered into between the parties before the Mediation and Conciliation Centre dated 20.12.2010 shall form part of this judgment.