

**(2012) 01 AHC CK 0359**  
**In the Allahabad High Court**  
**Case No : Application No. - 12428 of 2010**

Smt. Sikha and Others

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

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**Date of Decision :** 12-01-2012

**Acts Referred:**

Penal Code, 1860 (IPC) — Section 323, 504, 506

**Citation :** (2012) 01 AHC CK 0359

**Hon'ble Judges :** Rajesh Dayal Khare, J

**Bench :** Single Bench

**Final Decision :** Allowed

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## 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. Perusal of the earlier order of this Court dated 27.08.2010 shows that husband and wife had gone together and the order dated 26.11.2010 shows that husband and wife had come to terms and they are living together.

3. Learned counsel for the opposite party no.2 states that the opposite party no.2 does not want to proceed with the case pending before the Court below and by the order dated 26.11.2010, the parties were directed to file joint affidavit on 29.11.2010. However, joint affidavit has been filed today before this Court, 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 case no. 8352 of 2008 (State Vs. Jagdish and others) arising out of Case Crime No. 315 of 2002, under Sections 490A, 323, 504, 506 I.P.C., Police Station Kotwali, District Bulandshahr, pending before learned Chief Judicial Magistrate, District Bulandshahr, is hereby set aside. The present application is accordingly allowed.