

(2011) 11 AHC CK 0336

Allahabad High Court

Case No: Application No. 35431 of 2011

Prashant Khandelwal and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision: Nov. 21, 2011

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Dowry Prohibition Act, 1961 - Section 4
- Penal Code, 1860 (IPC) - Section 120B, 417, 504, 506

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, learned A.G.A. for the State and Sri Ashish Dwivedi, learned counsel, who has put in appearance on behalf of opposite party no.2 by filing his parcha today along with short counter affidavit in the Court which is taken on record.

2. Learned counsel for the applicants contends that he is not pressing the prayer nos. 2, 3 and 4 as sought in the present application u/s 482 Cr.P.C., and he is only pressing prayer no.1 in the present application.

3. The present application u/s 482 Cr.P.C., has been filed for quashing the proceedings of case No. 25 of 2006 (State Vs. Prashant Khandelwal and Others), arising out of Case Crime no. 3591 of 2005, under Sections 417, 504, 506 read with Section 120B I.P.C., and Section 4 of Dowry Prohibition Act, Police Station Baradari, District Bareilly, pending before Chief Judicial Magistrate, Court No.1, Bareilly.

4. It is contended by learned counsel for the applicants that although the marriage of the applicant no.1 was to be solemnised with the opposite party no.2 but no

marriage took place and the matter has been compromised between the applicant no.1 and the opposite party no.2 on 01.10.2011. copy of which is annexed as Annexure-8 to the affidavit accompanying the application.

5. Sri Ashish Dwivedi, learned counsel for the opposite party no.2 has also stated that the compromise has been entered into and that the opposite party no.2 does not want to proceed with the matter, therefore the proceedings of Criminal Case No.25 of 2006 (State Vs. Prashant Khandelwal and others), arising out of Case Crime no. 3591 of 2005, under Sections 417, 504, 506 read with Section 120B I.P.C., and Section 4 of Dowry Prohibition Act, Police Station Baradari, District Bareilly, pending before Chief Judicial Magistrate, Court No.1, Bareilly.

6. As the dispute is of personal nature between the parties which has been amicably settled between the parties outside the court, as it is contended by learned counsel for the applicants and opposite party no.2 and as the learned counsel for the opposite party no.2 also stated that the opposite party no.2 does not want to proceed further in the matter, therefore no useful purpose would be served in proceeding with the matter further. The matter is purely a personal nature and family dispute, which has been mutually settled between the parties, in view of the compromise dated 01.10.2011.

7. 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.

8. The present application is accordingly allowed.