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Pankaj Pathak and Others Vs State of U.P. and Others

Criminal Miscellaneous Writ Petition No. 3194 of 2010

Court: Allahabad High Court

Date of Decision: Feb. 15, 2011

Acts Referred:

Dowry Prohibition Act, 1961 â€" Section 3, 4#Penal Code, 1860 (IPC) â€" Section 323, 498A,

504, 506

Citation: (2011) 3 ADJ 358: (2011) 7 RCR(Criminal) 375

Hon'ble Judges: Ravindra Singh, J; Arvind Kumar Trirathi, J

Bench: Division Bench

Final Decision: Disposed Off

Judgement

- 1. Heard learned Counsel for the Petitioners, learned A.G A. for the State and perused the record.
- 2. From a perusal of the record, it appears that this matter was referred to the Mediation and Reconciliation Centre of this Court. The report of the

Mediation and Reconciliation Centre shows that the Petitioner Pankaj Pathak and his wife SmiGunjan Pathak Respondent No. 3 has appeared

before the Mediation and Reconciliation Centre of this Court. They have entered into compromise by executing the settlement dated 17.9.2010,

by which they have decided to live separately.

3. This petition has been filed by the Petitioners with a prayer to quash the First Information Report of Case Crime No. 43 of 2010 under Sections

498A, 323, 504, 506, 315 I.P.C. and 3/4 Dowry Prohibition Act, PS. Chetganj, District Varanasi.

From perusal of the impugned First Information Report it appears that the allegations made therein are prima facie disclosing the commission of

cognizable offence. Therefore, there is no good ground to interfere in the impugned First Information Report. The prayer for quashing of the

impugned First Information Report is refused.

4. However, considering the settlement agreement dated 17.9.2010 it is directed that in case the investigation of above mentioned case is pending,

the police report may be submitted in the light of settlement agreement dated 17.9.2010, till then the Petitioners shall not be arrested. In case the

charge-sheet has been submitted, it shall be open to the parties to move an application in the Court of learned Magistrate concerned to drop the

proceedings of abovementioned case. In case such application is moved, the learned Magistrate concerned after recording their statements in this

regard, the proceedings of the above mentioned case may be dropped in view of B.S. Joshi and Others Vs. State of Haryana and Another,

Accordingly petition is disposed off.