

(2011) 02 AHC CK 0400

Allahabad High Court

Case No: Criminal Miscellaneous Writ Petition No. 3194 of 2010

Pankaj Pathak and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision: Feb. 15, 2011

Acts Referred:

- Dowry Prohibition Act, 1961 - Section 3, 4
- Penal Code, 1860 (IPC) - 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.