

Allahabad High Court

Smt. Shakshi And Anr vs State Of U.P. And Anr on 9 September, 2025

Author: Deepak Verma

Bench: Deepak Verma

HIGH COURT OF JUDICATURE AT ALLAHABAD Neutral Citation No. -
2025:AHC:158841 HIGH COURT OF JUDICATURE AT ALLAHABAD APPLICATION U/S
482 No. - 11499 of 2020 Smt. Shakshi And Anr
.....Applicant(s) Versus State Of U.P. And Anr
.....Opposite Party(s) Counsel for Applicant(s) :
Ankur Singh Kushwaha, Sandeep Kumar Singh Counsel for Opposite
Party(s) : G.A., Siddharth Singh, Vipin Chandra Pandey Court
No. - 72 HON'BLE DEEPAK VERMA, J.

1. Heard learned counsel for the applicants, learned counsel for the informant, learned A.G.A. for the State and perused the record.
2. The present 482 Cr.P.C. application has been filed to quash the summoning order dated 10.01.2020 as well as entire proceedings of Complaint Case No.448 of 2018 (Puspendra Singh vs. Smt.Shakshi and others), under Sections 379, 323, 504, 506 I.P.C., Police Station Tundla, District Firozabad, pending in the court of Chief Judicial Magistrate, Firozabad.
3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. Applicant No.1 (Smt.Shakshi) is wife of opposite party no.2 (Puspendra Singh) and applicant no.2 (Kishan Singh) is father-in-law of opposite party no.2. Instant proceeding on account of some matrimonial dispute between the parties. Investigating Officer has submitted charge-sheet, trial court took cognizance and issued summons and same was challenged before this Court by filing Application u/s 482 Cr.P.C. and this Court by order dated 24.06.2020 has passed the following orders:-

"Heard applicants' counsel as well as learned A.G.A. for the State and perused the record.

This application under Section 482 Cr.P.C. has been filed seeking quashing of the summoning order dated 10.1.2020 passed by the Chief Judicial Magistrate, Firozabad as well as the entire proceedings of Complaint Case No. 448 of 2018, Pushpendra Singh versus Smt. Shakshi and others, under Sections 379, 323, 504 and 506 I.P.C., P.S. Tundla, District Firozabad.

Submission of learned counsel for the applicants is that the applicant no.1 was married to opposite party no.2 on 28.2.2017; that In-laws and the opposite party no.2 started torturing the applicant no.1 and the applicants having no option lodged F.I.R. against the opposite party no.2 and his family members on 12.1.2018 which

was registered as Case Crime No. 0032 of 2018, under Sections 498A I.P.C. and Section 3/4 of D.P. Act and Sections 66/72/74 of I.T. Act; that as a counterblast the opposite party no.2 filed the present complaint against the applicants on 9.2.2018 before the Chief Judicial Magistrate, Firozabad, in which the learned Magistrate after the recording the statements of the complainant and the witnesses under Sections 200 and 202 Cr.P.C. has summoned the applicants. Aggrieved, the applicants are before this Court by means of the present application.

The matter requires consideration.

Notice on behalf of opposite party No.1 has been accepted by learned A.G.A.

Issue notice to the opposite party no.2 returnable at an early date.

Opposite party no.2 may file counter affidavit within three weeks after the service. Learned A.G.A. may also file counter affidavit within the same period. Rejoinder affidavit may be filed within two weeks thereafter.

List this matter on 19th August, 2020.

Till then no coercive action shall be taken against the applicants in the aforesaid case."

4. Thereafter both the parties have amicably settled their dispute and moved application to quash the proceeding on account of compromise entered between the parties. This Court by order dated 04.10.2024 has passed the following orders:-

"1. Heard learned counsel for the parties and perused the record of the case.

2. The instant application has been moved on behalf of the applicants to quash the proceedings of Complaint Case No. 448 of 2018 (Puspendra Singh v. Smt. Shakshi & others), under Sections 379, 323, 504 & 506 I.P.C., District Firozabad, pending in the court of Chief Judicial Magistrate, District Firozabad, on the basis of compromise executed between the parties.

3. Learned counsel for the applicant submitted that both the parties have amicably settled their dispute and in this regard a compromise has also been executed between them. Therefore, the compromise executed between the parties may be verified by the court below. Compromise has been filed before the C.J.M., Firozabad in Case No. 448 of 2018.

4. Shri Vipin Chandra Pandey, learned counsel appearing on behalf of opposite party no.2 also conceded the fact that both the parties have amicably settled their dispute.

5. Learned AGA is having no objection if any such direction is given to the court below for verification of compromise executed between the parties.

6. As both the parties have amicably settled their dispute and compromise has also been executed between them, therefore, it is directed that both the parties shall

appear before the court concerned on 17.10.2024 and shall file an application along with the certified copy of this order for verification of compromise executed between them.

7. If any such application is moved, then the court below shall verify the compromise alleged to have been executed between the parties, in accordance with law, and shall transmit verification report to this Court.

8. List this case on 12.11.2024.

9. Office is directed to submit a report on the next date in respect of verification report, if any, forwarded by the court below.

10. Till the next date of listing, no coercive steps shall be taken against the applicants in the aforesaid case."

5. In pursuance of this Court order dated 04.10.2024, both the parties appeared before trial court for verification and trial court has verified the parties on 04.11.2024. The verification report dated 04.11.2024 is available on record.

6. Learned counsel for the applicants has submitted that the applicants and opposite party no.2 have settled their private and civil dispute through compromise and as such opposite party no.2 do not wish to press the aforesaid case against the applicants. Opposite party no.2 is ready to withdraw the prosecution of the applicants and in view of the compromise, no fruitful purpose would be served if the prosecution is allowed to go on.

7. In view of the facts and circumstances of the case, the applicants and opposite party no.2 do not want to pursue the case any further as stated by them. The matter has been mutually settled between the parties, therefore, no useful purpose would be served in proceeding with the matter further.

8. Thus in view of the well settled principle of law as laid down by the Hon'ble Apex Court in the matters of Krishnappa & Ors. vs. State of Karnataka; 2021 0 Supreme(SC) 529, Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors. vs. State of Gujarat and another; 2017 9 SCC 641, B.S. Joshi Vs. State of Haryana; 2003(4) SCC 675, Nikhil Merchant Vs. Central Bureau of Investigation and another; (2008) 9 Supreme Court Cases 677, Gian Singh Vs. State of Punjab; (2012) 10 SCC 303 and Narinder Singh & others Vs. State of Punjab and another; (2014) Supreme Today 642, the proceeding of Complaint Case No.448 of 2018 (Puspendra Singh vs. Smt.Shakshi and others), under Sections 379, 323, 504, 506 I.P.C., Police Station Tundla, District Firozabad, pending in the court of Chief Judicial Magistrate, Firozabad, is hereby quashed.

9. The application under Section 482 Cr.P.C is accordingly allowed.

(Deepak Verma,J.) September 9, 2025 SKD

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