

**Court No. - 37**

**Case :-** APPLICATION U/S 482 No. - 25713 of 2008

**Applicant :-** Deena Nath And Others

**Opposite Party :-** State Of U.P.And Another

**Counsel for Applicant :-** P.K.Rai,Ankit Kapoor

**Counsel for Opposite Party :-** Govt. Advocate

**Hon'ble Dr. Kaushal Jayendra Thaker,J.**

It is stated at the Bar by the learned Counsel for the petitioner that pursuant to the orders of this Court even during COVID-19, the parties, who have entered into compromise and had appeared before the learned Magistrate and have deposed before the court below that they have entered into what can be said to be a compromise.

The petition, therefore, is taken up for final disposal. The parties to act as per the compromise. The learned trial Judge if has not passed further orders of discharge/acquittal, he shall do so immediately.

However, certain offences which are non-compoundable would be within the power of learned Magistrate to compound namely under Section 498 and 3/4 D.P. Act.

While perusing the FIR also it appears that the allegations made in 498-A may not be substantiated by the wife.

Parties settled their matter and decided to leave in peace, parties, being husband and wife and other family members acted upon such settlement and have taken divorce. High Court should have accepted settlement and compounded offence in view of settlement between parties, compounding quashment complaint is ordered. I am supported in my view by the decision of the Apex Court reported in ***Bitan Sengupta v. State of W.B., (2018) 18 SCC 366.***

The proceedings are quashed also under Section 482 Cr.P.C. settlement is also recorded and the Apex Court way back in ***B.S. Joshi Vs. State of Haryana, (2003) 4 SCC***

**675** has observed that in matrimonial offences, it becomes duty of the Court to encourage genuine settlement of matrimonial disputes.

Hence this Court while exercising power under Section 482 read with section 397 of the Cr.P.C., 1973. exercises this power and permits the parties to leave in peace.

In that view of the matter, the petition is also allowed and the proceedings are quashed even under Section 397 Cr.P.C.

Learned court below has also passed orders which the learned Counsel for the petitioner points out to the Court hence the proceedings are ordered to be defied if yet not defied.

This Court is thankful to Sri Ankit Kapoor to get this matter disposed of.

**Order Date :-** 23.9.2020

Irshad