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**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

**ORDER**

IN

**S.B. Cr. Misc. Petition No.4990/2015  
(With Stay Application No.4697/2015)**

1. Vishnu Dutt Goyal son of Shri Govind Prasad Goyal, resident of Friends Colony, Alwar C/o Bajaj Bazar, Near Tripolia Temple, Alwar
2. Dr. Madan Mohan Gupta son of Late Ramswaroop Marjiya, resident of Kiran Palace, Near Oswal Chungi Naka, Gangapurcity, District Sawaimadhapur (Rajasthan)  
...Petitioners

Versus

Smt. Kalpana Gupta @ Mamta Daughter of Late Shri Vishnu Chand Gupta, wife of Gaurav Agrawal, by caste Mahajan, resident of A-207, 80 feet Road, Mahesh Nagar, Jaipur  
...Respondent

**Date of Order ::: 20.09.2016**

Present

**Hon'ble Mr. Justice Mohammad Rafiq**

Mr. Rajneesh Gupta, counsel for petitioners  
Mr. Shashi Bhushan Gupta, counsel for respondent  
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**By the Court:-**

This petition under Section 482 of the Code of Criminal Procedure has been filed by petitioners challenging order dated 14.08.2015 passed by learned Additional District and Sessions Judge No.10, Jaipur Metropolitan, Jaipur, in Criminal Appeal No.234/2015, by which he set aside order dated 07.04.2015 passed by learned Additional Civil Judge-cum-Metropolitan Magistrate No.19, Jaipur Metropolitan, Jaipur, in Case No.297/2014, by which learned trial court allowed the application filed by petitioners and ordered to strike out the names of petitioners from the array of non-

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applicants in the proceedings under Section 12 of the Protection of Women From Domestic Violence Act, 2005, initiated at the instance of the respondent against her husband Gaurav Agrawal. The petitioners happen to be the husband of sister of Gaurav Agrawal.

Learned counsel for the respondent has produced for perusal of the court the order dated 12.12.2015 passed in the Lok Adalat attached to the courts at Hindauncity, and submitted that the matter has been compromised between the parties before the Family Court, where the application filed by the husband under Section 9 of the Hindu Marriage Act has been dismissed on the basis of the compromise.

If that be so, there is no reason why the proceedings under the Domestic Violence Act continue.

In that view of the matter, the order dated 14.08.2015 passed by learned Additional District and Sessions Judge No.10, Jaipur Metropolitan, Jaipur, in Criminal Appeal No.234/2015, is set aside and the order dated 07.04.2015 passed by learned Additional Civil Judge-cum-Metropolitan Magistrate No.19, Jaipur Metropolitan, Jaipur, in Case No.297/2014, is restored.

Criminal miscellaneous petition is accordingly allowed in view of the compromise between the parties. This also disposes of the stay application.

सत्यमेव जयते

(Mohammad Rafiq) J.