

**IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL**

Criminal Misc. Application No. 116 of 2006

1. Muzahid Ali Khan S/o Sri Hamid Ali Khan
 2. Habibunisha W/o Sri Hamid Ali Khan
 3. Nahid S/o Sri Hamid Ali Khan
All R/o Kazi Bagh Opp. Islamia School
Kashipur
District Udham Singh Nagar
- ... Applicants

Vs

1. State of Uttaranchal
 2. Ms. Shaista W/o Sri Muzahid Ali Khan
R/o Kidwai Nagar, Haldwani
District Nainital
- ... Respondents

Sri Gopal K. Verma, learned counsel for the petitioners
Learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

By way of the petition, the petitioners, namely, Muzahid (husband of respondent No. 2), Habibunisha (mother-in-law) and Nahid (brother-in-law) of the respondent No. 2 – Ms. Shaista have prayed for quashing the entire criminal proceedings in Criminal Case No. 39 of 2006 State Vs Muzahid & others under Sections 498-A, 323 I.P.C. and $\frac{3}{4}$ Dowry Prohibition At pending in the court of Judicial Magistrate, Haldwani, District Nainital.

2. Heard Sri Gopal K. Verma, learned counsel for the petitioners, learned A.G.A. for the State and perused the record.

3. This Court vide order dated 17.02.2006 directed both the parties to appear before the Marriage Counseling Cell on 22.03.2006. The Registry was also directed to inform private respondent to appear before the Marriage Counseling Cell on 22.03.2006. This Court also issued direction that if the parties are not entered into amicable settlement, the

Marriage Counseling Cell shall fixed further date for reconciliation. 4th April, 2006 was fixed for further reconciliation and on the aforesaid date both the parties have appeared before the Marriage Counseling Cell. Both the parties entered into amicable settlement that they shall live separately. The Marriage Counseling Cell verified the compromise arrived at between the parties. The petitioner by way of supplementary affidavit has filed report of the Marriage Counseling Cell.

4. In view of the aforesaid circumstance, it is quite clear that both the parties have entered into compromise. Both the parties have also agreed to settle down all the dispute pending between them relating to the matrimonial cases shall be withdrawn by them, I am of the view that the petitions are liable to be disposed of, in the light of the compromise arrived at between the parties as well as in the light of the direction issued by Hon'ble Supreme Court in ***Ruchi Agarwal Vs Amit Kumar Agarwal*** reported in ***(2005) 3 SCC page 299***.

5. I am of the view that the petition filed under Section 482 Cr.P.C. should be disposed of in the light of the aforesaid decision.

6. Accordingly, the petition is allowed and entire criminal proceedings in Criminal Case No. 39 of 2006 State Vs Muzahid & others under Sections 498-A, 323 I.P.C. and 3/4 Dowry Prohibition Act pending in the court of Judicial Magistrate, Haldwani, District Nainital are hereby quashed.

(B.C. Kandpal, J.)

31.08.2006
ASWAL