

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>C482 No.318 of 2023</p> <p>With</p> <p>IA/1/2023 (Compounding Application)</p> <p><u>Hon'ble Sharad Kumar Sharma, J.</u></p> <p>Mr. B.S. Koranga, learned counsel for the applicant.</p> <p>Mr. A.K. Sah, learned Deputy Advocate General along with Ms. Mamta Joshi and P.S. Uniyal, learned Brief Holder for the State.</p> <p>Ms. Reeta Puniyal, learned counsel for the private respondent.</p> <p>The parties to proceedings have joined the proceedings through video-conferencing.</p> <p>The instant C-482 application, the challenge has been made to the summoning order which has been passed by the Court of Additional Chief Judicial Magistrate, Kashipur, Udham Singh Nagar on 15.09.2021 in Criminal Case No.5267 of 2021, "State Vs. Dinesh Chand Brijwasi", whereby the present applicant has been summoned to be tried for the offences under Section 498A, 323, 504, 506 of IPC and Section 3/4 of the Dowry</p>

		<p>Prohibition Act.</p> <p>The parties to the proceedings, who have joined the proceedings of this case, through video-conferencing have been identified by their respective counsels.</p> <p>It is contended by the respondent/ complainant that in a proceedings under Section 13(B) of the Hindu Marriage Act which was decided by way of Case No.306 of 2021, “Smt. Kavita Silori Vs. Dinesh Chand Brijwasi”, in fact, the parties have settled their dispute under Section 13(B) of the Hindu Marriage Act resulting into rendering of a decree by consent of respondent no.1 by the court of Judge, Family Court, Kashipur, Udham Singh Nagar.</p> <p>It is further contended by the parties to the proceedings, that a permanent alimony which was settled by the judgment and decree of consent by the court of Judge, Family Court, Kashipur has already been received by the complainant/ respondent no.2.</p> <p>This Court has interacted with the complainant/ respondent no.2, who is the plaintiff in the proceedings under Section 13(B) of the Hindu Marriage Act, wherein and she has made a categorical statement</p>
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		<p>in presence of her counsel, that owing to the fact that she has already received the permanent alimony amount and the marriage stands dissolved by the judgment and decree dated 27.10.2021. She has contended, that she does not intend to prosecute the present applicant any further.</p> <p>Considering the aforesaid statement of the complainant / respondent no.2 which stands fortified by the respective counsel representing them and considering the fact, that the effect of decree dated 27.10.2021 would be that their marriage which was solemnized on 04.12.2017 has now been dissolved.</p> <p>In that eventuality, since the criminal proceedings which has been drawn against the present applicant by issuance of the summoning order on 15.09.2021, continuing with the proceedings of the Criminal Case No.5267 of 2021, "State Vs. Dinesh Chand Brijwasi" would be nothing but an act of futility, especially when in the light of the decree rendered under Section 13(B) of the Hindu Marriage Act, the complainant/ respondent no.2 does not intend to prosecute the present applicant any</p>
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			<p>further.</p> <p>In view of the aforesaid statement made by the complainant/ respondent no.2, the present C-482 application stands allowed and as a consequence thereto the proceedings of Criminal Case No.5267 of 2021, “State Vs. Dinesh Chand Brijwasi” as pending consideration before the Court of Additional Chief Judicial Magistrate Kashipur, Udham Singh Nagar would hereby stand dropped in terms of the compounding application filed by the parties in the present C-482 application.</p> <p style="text-align: right;">(Sharad Kumar Sharma, J.) 28.02.2023</p> <p>Sukhbant</p>
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