

Mohd. Farooq Vs. State of U.P

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Court : Allahabad

Decided On : Oct-15-2012

Judge : Sudhir Kumar Saxena

Appeal No. : U/S 482/378/407 No. 4037 of 2012

Appellant : Mohd. Farooq

Respondent : State of U.P

Judgement :

1. MOHD. Farooq (petitioner) and Mahzabeen Akhtar (respondent no. 2) are present in the Court.

2. THIS petition has been filed for quashing the proceedings of Criminal Appeal No. 63 of 2010, under Sections 498-A, 406, 323, 504, 506 I.P.C. read with Section 3/4 D.P. Act (Mohd. Farooq Vs. State of U.P.), pending before Additional District and Sessions Judge-IV, Faizabad, challenging the order dated 15.04.2010 passed by Additional Chief Judicial Magistrate/Civil Judge, Senior Division, second, Faizabad in Complaint Case No. 476 of 2010 (Smt. Mahzabeen Vs. Mohd. Farooq and others) on the ground that matter is purely personal and private in nature.

Number of cases are pending between the parties. Parties have resolved their dispute.? A compromise was filed before the Additional Sessions Judge-IV, Faizabad. According to Para-4 of the compromise, both the parties have parted with relations and decided to live separately. It has also been decided that the

criminal cases pending between the parties will be withdrawn alongwith instant case.

In view of the compromise, no useful purpose would be served to keep the matter pending.

3. SINCE dispute is personal and private in nature and no morals, ethics or national interests are involved, taking a pragmatic view of the matter, in exercise of the power under Section 482 Cr.P.C., I quash the proceedings of Criminal Appeal No. 63 of 2010, under Sections 498-A, 406, 323, 504, 506 I.P.C. read with Section 3/4 D.P. Act (Mohd. Farooq Vs. State of U.P.), pending before Additional District and Sessions Judge-IV, Faizabad, challenging the order dated 15.04.2010 passed by Additional Chief Judicial Magistrate/Civil Judge, Senior Division, second, Faizabad in Complaint Case No. 476 of 2010 (Smt. Mahzabeen Vs. Mohd. Farooq and others).

Petition is accordingly allowed.

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