

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.1599 OF 2019
(ARISING OUT OF SLP(CRL.) NO.155/2019)**

RAJIV KUMAR SHARMA & ANR. APPELLANT(S)

VERSUS

THE STATE OF UTTAR PRADESH & ANR. RESPONDENT(S)

O R D E R

1. Leave granted.
2. Heard counsel for the parties.
3. This appeal takes exception to the judgment and order dated 10.12.2018 passed by the High Court of judicature at Allahabad in Application under Section 482 Cr.P.C. bearing No.44690/2018, whereby the application for quashing of Complaint Case No.1229 of 2015 (Anupam vs. Rajeev Sharma and Others) preferred by the appellant came to be rejected.
4. The complainant-respondent No.2 (Anupam) has been duly served with notice indicating that the matter will be finally disposed of at notice

stage. The complainant-respondent No.2 has not chosen to appear in the present appeal despite being served on two occasions.

5. The complainant-respondent No.2 had filed complaint under Section 498-A IPC and 3/4 of the Dowry Prohibition Act in Police Station Sidhpura, District Kasganj. After receipt of summons of the said proceedings, the appellant had filed application for quashing *inter alia* relying on the settlement deed executed between the parties in matrimonial proceedings dated 17.07.2014.

Clause 4 of the Settlement Deed reads thus:

“That all the cases related to their marriage against each other shall be withdrawn unconditionally and proceedings related to marriage against one another shall be deemed to have been disposed of automatically and that both parties will be free towards one another for marital obligations and are allowed to stay and reside separately. No transaction remains towards each other amongst parties and the parties

shall not institute any dispute or legal proceedings towards one another related to their marriage and all rights/relations related to marriage shall be deemed to have ended. Parties are free to marry again."

6. It is not in dispute that after the settlement, matrimonial proceedings have been finally disposed of. The High Court despite this arrangement arrived at between the parties, however, declined to quash the proceedings. In our opinion, the High Court should have taken note of the fact that the parties have amicably resolved all their differences and consciously chose to unconditionally drop all proceedings related to marriage *inter se* including the criminal action initiated by the complainant-respondent No.2.

7. Accordingly, in the interest of justice and additionally in exercise of powers under Article 142 of the Constitution of India, we set aside the impugned judgment of the High Court and also quash the Complaint Case No.1229/2015

(Smt. Anupam vs. Rajeev Sharma and Others),
pending before the Chief Judicial Magistrate,
Kasganj.

8. The appeal is disposed of in the above
terms. All pending applications are disposed of.

....., J.
(A.M. KHANWILKAR)

....., J.
(DINESH MAHESHWARI)

NEW DELHI
OCTOBER 21, 2019

ITEM NO.29

COURT NO.8

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 155/2019

(Arising out of impugned final judgment and order dated 10-12-2018 in APP No. 44690/2018 passed by the High Court Of Judicature At Allahabad)

RAJIV KUMAR SHARMA & ANR.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(IA No. 2703/2019 - EXEMPTION FROM FILING O.T.)

Date : 21-10-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. Namit Saxena, Adv.
Mr. P. V. Dinesh, AOR

For Respondent(s) Mr. Shashank Shekhar Singh, AOR
No.1 Mr. Antariksh Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal and pending applications are
disposed of in terms of the signed order.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER

(Signed order is placed on the file.)