

Court No. - 49

Case :- CRIMINAL MISC. WRIT PETITION No. - 16767 of 2020

Petitioner :- Mohammad Gufran @ Gufran

Respondent :- State Of U P And 3 Others

Counsel for Petitioner :- Kshitij Shailendra

Counsel for Respondent :- G.A.,Dileep Singh Yadav

Hon'ble Dr. Kaushal Jayendra Thaker,J.

Hon'ble Gautam Chowdhary,J.

Heard Sri Kshitij Shailendra, learned counsel for the petitioner and learned A.G.A. for the State.

The accused is facing commission of offence u/s 498-A, 494, 323, 504, 506 I.P.C., 3/4 Dowry Prohibition Act, 1961 and 3/4 Muslim Women (Protection of Rights on Marriage) Act, 2019, lodged as Case Crime No. 460 of 2020, at Police Station-Gursahaiganj, District Kannauj.

The petitioner, Mohd. Gufran @ Gufran, is present before this Court. Respondent No.4, Smt. Huma, who is wife of Gufran and daughter of Visiuddin, is also present in this Court.

At this stage it is stated by both that they want to bury their differences and as this is a petition under Article 226 of Constitution of India and as the parties belong to Muslim religion and as now they have accepted the *talaq* which would now be turned and termed to be a *khula talaq* as per the Muslim Personal Law (Shariat) Application Act, 1937 and as per the Muslim Women (Protection of Rights on Divorce) Act, 1986.

The petitioner faces investigation as the F.I.R. culminated into case crime No. 460 of 2020. The husband faces some offences which can be said to be in the realm of non-compoundable offences.

Learned counsels for the parties have requested the Court that we may show indulgence and put at end to this litigation.

Learned counsel for the petitioner has relied on the judgements of the Apex Court reported in **Bitan Sengupta v. State of W.B., AIR 2018 SC (Supp) 1217, Kamlesh Kalra v. Shilpika Kalra & others, 2020 0 Supreme(SC) 605** and **B.S. Joshi & Ors. v. State of Haryana & another, 2003 0 Supreme(SC) 332** and also on judgement of this High Court passed in Application U/s 482 No. 13797 of 2020.

We do not opine whether it was a pressure technique or whether it was a genuine complaint. The parties have undertaken not to

indulge in any litigation against each other in future and, therefore, we feel it proper to rely on the recent judgement of the Apex Court reported in **Bitan Sengupta (supra)** and reliance is also placed on order of this High Court passed in application U/s 482 No. 13797 of 2020 (Shokeen and Ors. vs. State of U.P. & another).

The petition is allowed. The complaint is quashed and set aside.

We thank both the learned Advocates for their support in seeing that this petition is amicably settled and disposed of.

Though the State counsel has his own reservations but as it is a private dispute and it does not affect public domain or public policy of the State, he states that this may not be treated as precedent in future.

With these observations, the petition stands **disposed of**.

The joint affidavit is taken on record as we would not like to burden the Registry when the matter is over.

Order Date :- 12.1.2021

Vandana