

**Court No. - 52**

**Case :- APPLICATION U/S 482 No. - 43276 of 2024**

**Applicant :- Mohammad Ali Alias Kamal**

**Opposite Party :- State of U.P. and Another**

**Counsel for Applicant :- Sunil Kumar Yadav**

**Counsel for Opposite Party :- G.A.**

**Hon'ble Mrs. Manju Rani Chauhan,J.**

1. Heard learned counsel for the applicant as well as learned A.G.A. for the State and perused the record.
2. This application under Section 482 Cr.P.C. has been filed to quash the impugned charge sheet dated 27.12.2022 along with Cognizance order dated 16.02.2023 and the entire proceeding of Case No.3109 of 2023 (State of U.P. vs. Mohd. Ali @ Kamal and Others), arising out of Case Crime No.258 of 2022, under Sections 498A, 323, 504, 506 I.P.C. and Section 3/4 D.P. Act, Police Station- Kaptanganj, District- Kushi Nagar, as well as stay the further proceeding of the aforesaid case, pending in the court of Civil Judge (Senior Division/A.C.J.M., Kushinagar.
3. Learned counsel for the applicant submits that on the basis of compromise between the parties where they have decided to separate from each other, divorce proceedings have been withdrawn which is evident from order dated 07.08.2024 placed on page no.52 of the application. The case under Domestic Violence Act has also been withdrawn on the basis of the aforesaid compromise as is evident from page no.57, therefore, continuance of proceedings against the applicants would be a futile exercise and is sheer wastage of time of the Court and will be abuse of process of law.
4. In view of the above, the matter requires consideration.
5. Issue notice to opposite party no.2 returnable at an early date.
6. Put up this case, as fresh, on 6<sup>th</sup> February, 2025.
7. Till the next date of listing, the entire proceeding of the aforesaid case **shall remain stayed.**

**Order Date :- 21.1.2025**

**Kalp Nath Singh**