



2026:UHC:725

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>C482 No.1462 of 2017 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Suryakant Maithani, Advocate for the applicants. Mr. Pradeep Lohani and Mr. Prabhat Kandpal, Brief Holder for the State of Uttarakhand.</p> <p>2. This criminal miscellaneous application has been preferred by the applicants seeking quashing of the charge-sheet dated 30.03.2017, summoning order dated 28.06.2017 as well as the entire proceedings of Criminal Case No. 3020 of 2017, under Sections 498-A and 323 I.P.C., pending before the learned Judicial Magistrate-I, Dehradun.</p> <p>3. The case of the applicants is that the marriage between applicant no.1 and respondent no.2 was solemnized on 28.09.2009 and one child was born out of the wedlock. Subsequently, due to temperamental differences and matrimonial discord, the parties started living separately. In the year 2016, respondent no.2 lodged a criminal complaint under Sections 498-A, 323 I.P.C. and Section 3/4 of the Dowry Prohibition Act against the applicants, which, according to the applicants, was based on false, frivolous and exaggerated allegations. It is further stated that, during pendency of the proceedings, applicant no.1 filed a petition under Section 13-B of the Hindu Marriage Act, which was allowed vide judgment and decree dated 01.05.2018. Thereafter, respondent no.2 filed an</p>



			<p>application seeking recall of the decree passed under Section 13-B of the Hindu Marriage Act with an oblique motive to harass and pressurize applicant no.1 for monetary gain; however, the said application was not pressed and was dismissed for want of prosecution on 19.07.2018, and no further proceedings have been initiated thereafter. It is also not disputed that subsequent to the dissolution of marriage, respondent no.2 has remarried and both the parties are living separately.</p> <p>4. Learned counsel for the applicants submits that, in view of subsequent development and dissolution of marriage, continuation of the criminal proceedings would be nothing but an abuse of the process of the Court and would not serve any fruitful purpose. It is further submitted that the dispute between the parties was purely matrimonial in nature and the criminal proceedings were instituted as a fallout of the matrimonial discord, which no longer survives.</p> <p>5. This Court has considered the rival submissions advanced by learned counsel for the parties and perused the material available on record. The marriage between applicant no.1 and respondent no.2 already stands dissolved by a decree of divorce, the parties have parted ways permanently, and respondent no.2 has remarried. The criminal proceedings stem from matrimonial discord, which has now come to an end. In such circumstances, continuation of the criminal proceedings would not advance the cause of justice and would only result in unnecessary harassment to the applicants. The possibility of conviction in the present</p>
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case appears to be remote, and the continuation of proceedings would amount to abuse of the process of the Court.

6. In such view of the matter, this Court deems it fit and proper to quash the entire proceedings of Criminal Case No. 3020 of 2017 under Sections 498-A and 323 I.P.C., pending before the learned Judicial Magistrate-I, Dehradun.

7. Accordingly, the criminal miscellaneous application is allowed and the entire proceedings of Criminal Case No. 3020 of 2017 under Sections 498-A and 323 I.P.C., pending before the learned Judicial Magistrate-I, Dehradun are hereby quashed.

(Alok Mahra, J.)

10.02.2026

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