



2026:AHC-LKO:24463

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 1552 of 2024

Subodh Srivastava And 2 Others

.....Applicant(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Deptt. Of
Home, Govt. Of U.P. Lko. And 5 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Chandra Shekher Pandey, Geetika
Yadav

Counsel for Opposite Party(s) : G.A., Rishabh Kapoor

Court No. - 16

HON'BLE SHREE PRAKASH SINGH, J.

1. Heard learned counsel for the applicants and learned AGA for the State.

2. The present application has been filed with the prayer to quash the First Information Report dated 07.04.019 lodged vide Case Crime No. 361 of 2019 at Police Station Gomtinagar District-Lucknow, under Sections 323, 498A & 504 IPC as well as the order dated 03.09.2019 and also the chargesheet dated 18.08.2022 and the summoning order dated 17.04.2019 passed by Court of Chief Judicial Magistrate, Ghaziabad in Case No. 25575 of 2023.

3. Submission of learned counsel for the applicants is that the present application has been filed while challenging FIR No.361 of 2019 lodged at Police Station Gomti Nagar, Lucknow.

4. On 22nd February 2024, following order was passed:-

"1. Heard Mr. Prashant Chandra, Senior Advocate, assisted by Mr. Chandra Shekher Pandey, Ms. Geetika Yadav and Mr. Raghav Chandra, Advocates appearing for learned counsel for the applicants, Shri Girjesh Dwiwedi, learned A.G.A. for the State and perused the record.

2. The present application under Section 482 CrPC has been filed with

following prayers:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to quash the First Information Report dated 07.04.2019 lodged vide Case Crime No. 361 of 2019 at Police Station Gomtinagar District Lucknow, under Sections 323, 498A & 504 IPC as well as the order dated 03.09.2019 and all consequent proceedings instituted in furtherance of the said order dated 03.09.2019 including the First Information Report dated 31.10.2019 registered vide Case Crime No. 2379 of 2019 at Police Station Indirapuram District Ghaziabad under the same Sections 323, 498A & 504 IPC as also the charge sheet dated 18.08.2022 and the summoning order dated 17.04.2019 as also the proceedings of Case No. 25575 of 2023 instituted in the Court of Chief Judicial Magistrate, Ghaziabad 25575 of 2023 and to allow this petition with costs.

Pending disposal of this petition, the implementation and operation of the order dated 17.04.2023 and all subsequent orders passed by the learned Chief Judicial Magistrate Ghaziabad in Criminal Case No. Case No. 25575 of 2023 be stayed and no coercive action be taken against the petitioners in furtherance of the said order."

3. Preliminary objection has been raised by learned A.G.A. that petition under Section 482 at Lucknow Bench is not maintainable for the reason that the charge sheet as well as the FIR was lodged at Ghaziabad; therefore, this Court lacks territorial jurisdiction and matter is cognizable by the Bench at High Court at Allahabad.

4. On the other hand, Shri Prashant Chandra, Senior Advocate, has submitted that the first FIR dated 07.04.2019 in Case Crime No.361 of 2019 under Section 323, 504, 498A was lodged at Police Station Gomti Nagar, District Lucknow and, thereafter, the second FIR was lodged at Police Station Indirapuram, District- Ghaziabad in Case Crime No. 2379 dated 31.10.2019 for the same cause of action with same verbatim. The charge sheet has been filed against the applicants in the court concerned at Ghaziabad, in pursuance of which summon has been issued against them.

5. It has been submitted by the learned counsel for the applicants that in view of Section 187 CrPC read with Section 177 Cr.P.C., the cognizance

taken by the Magistrate concerned at Ghaziabad is bad in eyes of law for the reason that prior to issuance of summons, the Magistrate at Ghaziabad had to ascertain whether he was having territorial jurisdiction to try the case at Ghaziabad. He has placed reliance on the catena of judgments of Hon'ble Apex Court passed in the case of Geeta Mehrotra and another reported in (2012) 10 SCC 741; T. T. Antony and State of Kerala reported in (2001) 6 SCC 181; Paritosh Kumar vs. Union of India and others reported in 2013 SCC OnLine All 13929 and on the judgment passed by this Court in Criminal Misc. Bail Application No. 42101 of 2018, (Kusum Lata vs. Assistant Director and another).

6. On the strength of the judgments referred above, it has been submitted by learned counsel for the applicants that as the cause of action is at Lucknow, therefore, application under Section 482 CrPC at Lucknow is maintainable. He further submits that there is bright chance that amicable settlement may take place through the process of mediation and the matter can be referred to the Mediation Centre.

7. Matter requires consideration.

8. In view of the aforesaid submission, issue notice to opposite party no. 6 through C.J.M. Ghaziabad fixing 14.03.2024 for her appearance before this Court and to record her statement whether she is ready for mediation, subject to deposition of Rs.25,000/- before the Mediation and Conciliation Centre.

9. Steps to be taken within a week.

10. List this case on 14.03.2024.

11. In the meantime, learned A.G.A. may file counter affidavit, if any.

12. Till the next date of listing, no coercive measures shall be taken against the applicants.

13. However, it is made clear that opposite party no.6 will not be harassed in any manner. "

5. The matter was referred to the Mediation and Conciliation Centre of

this Court. Notice was issued to opposite party no.6, directing her to appear and record her concurrence for referring the matter to the Mediation Centre, subject to the deposition of Rs. 25,000/- by applicant no.1 before the Mediation and Conciliation Centre of this Court.

6. It is further submitted that pursuant to the aforesaid order, the applicant no.1 deposited the amount of Rs.25,000 vide tender challan no.197 dated 28th February 2024. He further argued that the matter reached the Hon'ble Apex Court, wherein a settlement agreement was produced in Special Leave Petition (C) No. 8724 of 2024 and on the basis of the settlement agreement, the Hon'ble Apex Court passed the final judgment and order on 28th February, 2025, whereby FIR No.361 of 2019, along with other cases instituted by the parties against each other, were quashed.

7. The order dated 28th February, 2025 is quoted as under:-

"By the order dated 12.07.2024, parties were referred to the Supreme Court Mediation Centre for exploring the possibility of settlement.

Parties have entered into Settlement Agreement dated 06.01.2025, which is duly signed by petitioner No. 1, Richa: Srivastava, and respondent No. 1, Subodh Srivastava, as well as their respective learned counsel and the learned Mediator..

The learned counsel for the parties, on instructions, state that the parties accept the terms and conditions mentioned in the Settlement Agreement. A similar statement is made by the respondent, Subodh Srivastava, and Vinod Prasad, father of petitioner no. 1, Richa Srivastava, who are present in person.

We take: the Settlement Agreement dated 06.01.2025 on record.

In terms of the Settlement Agreement dated 06.01.2025, a Demand Draft for 850,00,000/- (Rupees fifty lakhs only) drawn in favour of petitioner No. 1, Richa Srivastava, has been handed over to Vinod Prasad, father of petitioner No. 1, Richa Srivastava, who accepts the same.

It is also stated that all the items/belongings of petitioner No. 1, Richa Srivastava, have been returned and the locker has Settlement Agreement. been operated in terms of the

For payment appropriate of the balance amount and passing of orders, re-list in the

week commencing 24.02.2025. "

Today, during the course of the hearing, learned counsel appearing for the respondent, Subodh Srivastava, who is also present in person, handed over a demand draft for the balance amount due, that is, \$50,00,000/- (Rupees Fifty Lakhs Only), to the learned counsel appearing for the appellants and Vinod Prasad, the father of appellant no. 1, Richa Srivastava. The same is accepted in terms of the settlement agreement dated 06.01.2025.

The settlement agreement, as stated in the order dated 07.02.2025, shall be final and binding on and between the parties.

In view of the settlement agreement, we are inclined to exercise our power under Article 142 of the Constitution of India and dissolve the marriage between appellant No. 1, Richa Srivastava, and the respondent, Subodh Srivastava, by passing a decree of divorce by mutual consent. We have exercised this power, noticing that the marriage between the parties has irretrievably broken down and together.

there is no possibility of the parties living we also hereby quash/dispose of the following cases pending inter se the parties), by exercising our power under Article 142 of the Constitution

"a. FIR No. 361/2019 filed before the PS Gomti Nagar Lucknow under Section 323, 504 and 498A

IPC dated 07.04.2019

b. FIR No. 2379/2019 filed before the PS Indirapuram, Ghaziabad under Section 323, 504 and 498A IPC dated 31.10.2019.

c. Case No. 25575/2023 arising out of FIR No. 2379/2019 pending before the CJM, Ghaziabad.

d. Maintenance Case No. 1890/2019 u/s 125 CrPC pending before the Additional Family Court No 4, Ghaziabad.

e. Custody Case No. 306/2023 u/s 26 HMA pending before the Family Court, Lucknow.

f. Criminal Misc Case (A-482) No. 1552/2024 filed u/s 482 CrPC pending before the Allahabad High Court, Lucknow Bench.

g. Matrimonial Case No. 1976/2024 filed u/s 13(1) HMA pending before the Addl Principal Judge Family Court, Lucknow."

This order has been passed on the joint application made by the parties and the settlement agreement dated 06.01.2025.

The settlement agreement dated 06.01.2025 will form part of this order.

I.A. No. 18364/2025 and the appeal are disposed of in the aforesaid terms.

Pending application(s), if any, shall stand disposed of."

8. Learned counsel for the applicants submits that the present application under Section 482 CrPC bearing Application No.1552 of 2024 has also been mentioned in the judgment and order of the Hon'ble Apex Court. Therefore, in light of the aforesaid judgment and order, the present petition may be disposed of.

9. He contended that, in furtherance to the order dated 28th February 2025, the applicant no.1 had deposited the amount of Rs. 25,000, and as there is no provision in the settlement agreement or the Apex Court's order directing disbursement of the amount to opposite party no.6, the said amount may be disbursed in favour of the applicants.

10. Learned counsel for the State has no objection to the aforesaid prayer.

11. Upon considering the submissions of learned counsel for the parties, it is apparent that after the judgment and order passed by the Hon'ble Apex Court on 28th February, 2025, all proceedings, including the proceeding of FIR No. 361 of 2019 challenged herein, have been quashed. The proceeding of Crime No. 237 of 2019, lodged at Police Station Indrapuram, District Ghaziabad, which was also under challenge has similarly been considered and quashed. Therefore, further quashing of the aforesaid proceedings is unwarranted.

12. So far as, the request of learned counsel for the applicants for disbursement of the amount deposited before the Mediation Centre is concerned, the same is found to be genuine as neither the settlement

agreement nor the order passed by the Hon'ble Apex Court contains any direction for disbursement of the amount in favour of opposite party no.6.

13. Consequently, the present application is **disposed off** in terms of the judgment and order passed by the Hon'ble Apex Court on 28th February 2025 in SLP (C) No. 8724 of 2024.

14. It is further directed that the Mediation Centre shall disburse the amount of Rs. 25,000 in favour of the applicants within a period of four weeks from the date an application is moved by the applicants, in this regard.

(Shree Prakash Singh,J.)

April 7, 2026
V. Sinha