

# **Amit Bajpai And 2 Others vs State Of U.P. And Another on 4 February, 2025**

**Author: Manju Rani Chauhan**

**Bench: Manju Rani Chauhan**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:15268

Court No. - 52

Case :- APPLICATION U/S 482 No. - 30359 of 2024

Applicant :- Amit Bajpai And 2 Others

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

Counsel for Applicant :- Abhishek Tripathi

Counsel for Opposite Party :- Amit Tripathi,G.A.

Hon'ble Mrs. Manju Rani Chauhan,J.

1. Heard Mr. Abhishek Tripathi, learned counsel for the applicants, Mr. Anil Yadav, Advocate holding brief of Mr. Amit Tripathi, learned counsel for the opposite party no.2 and Mr. Deepak Kapoor, learned A.G.A. for the State.

2. The present application has been filed to quash the charge sheet dated 14.11.202 along with Cognizance/Summoning order dated 18.07.2024 and the further proceedings of Case No.68343 of 2024 (State of U.P. vs. Amit Bajpai and Others), arising out of Case Crime No.0098 of 2022, under Sections 498-A, 323, 506 I.P.C. and Section 3/4 D.P. Act, Police Station- Nawabganj, District-Kanpur Nagar, as well as stay the further proceedings of the aforesaid case, pending in the court of

Additional Chief Judicial Magistrate/Additional Civil Judge (Senior Division), Court No.5, Kanpur Nagar, on the basis of compromise.

3. On 14.11.2024, the following order was passed:-

"1. Mr. Amit Tripathi, learned counsel for the opposite party no.2 has filed counter affidavit in the Court today, which is taken on record.

2. Heard Mr. Abhishek Tripathi, learned counsel for the applicants, Mr. Amit Tripathi, learned counsel for the opposite party no.2 as well as learned A.G.A. for the State and perused the material on record.

3. The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 14.11.202 along with Cognizance/Summoning order dated 18.07.2024 and the further proceedings of Case No.68343 of 2024 (State of U.P. vs. Amit Bajpai and Others), arising out of Case Crime No.0098 of 2022, under Sections 498-A, 323, 506 I.P.C. and Section 3/4 D.P. Act, Police Station- Nawabganj, District- Kanpur Nagar, as well as stay the further proceedings of the aforesaid case, pending in the court of Additional Chief Judicial Magistrate/Additional Civil Judge (Senior Division), Court No.5, Kanpur Nagar, on the basis of compromise.

4. Learned counsel for the applicants submits that the parties have amicably settled their dispute and a compromise has been entered into between the parties after which they have decided to stay together. The copy of the said compromise/mutual deed, filed before the court below, is annexed as Annexure No.4 to this application. Therefore, continuance of proceedings against the applicants would be a futile exercise and wastage of time of the Court and will be abuse of process of law. Hence, proceedings of the aforesaid case be quashed in the light of law laid down by the Apex Court in the case of Gian Singh v. State of Punjab reported in (2012) 10 SCC 303.

5. Learned counsel for the opposite party no.2 does not dispute the correctness of the submissions made by the learned counsel for the applicants.

6. Learned A.G.A., however, submits that it is the concerned court below, who has to verify the fact as to whether the parties have entered into compromise, hence the parties may approach the concerned court below and move an application with respect to compromise between the parties, which will be decided in accordance with law.

7. Whether a compromise has taken place or not can at best be ascertained by the court, where the proceedings are pending, after ensuring the presence of the parties before it.

8. In view of the above, both the parties are directed to appear before the court below along with an application for verification of the compromise deed as well as a certified copy of this order. It is expected that the trial court may fix a date for the verification of the compromise and after ensuring the presence of parties, pass an appropriate order with respect to the same in accordance with law, after hearing the informant, as expeditiously as possible, preferably within a period of one month from today. While passing the order verifying the compromise, the concerned court shall also record the statement of the parties as to whether all the terms and conditions mentioned in the original compromise deed, so filed, have been fulfilled or not?

9. Upon due verification of compromise, the court below may pass appropriate order in that regard and send a report to this Court.

10. Put up this case on 13th December, 2024, as fresh.

11. Till then, no coercive measure shall be taken against the applicants in the aforesaid case."

4. In compliance of the aforesaid order dated 14.11.2024, compromise verification report is kept on record as is evident from office report dated 04.02.2025. The letter of Additional Civil Judge (S.D.), Court No.5, Kanpur Nagar dated 01.02.2025 is placed along with order dated 29.01.2025 vide which the compromise between the parties has been verified. In the aforesaid order, it has also been mentioned that Rajesh Kumar Bajpayee, father-in-law has expired on 03.09.2024. The statement of rest of the persons have been recorded, after which, compromise between the parties has been verified.

5. Learned counsel for the applicants submits that since the compromise entered between the parties has been verified by the court below, the entire proceedings of the aforesaid criminal case may be quashed by this Court.

6. Learned A.G.A. for the State as well as learned counsel for the opposite party no.2 also accept that the parties have entered into a compromise and the copy of the same has also been enclosed along with verification order, they have no objection, if the proceedings in the aforesaid case are quashed.

7. This Court is not unmindful of the following judgements of the Apex Court:

(i). B.S. Joshi and others Vs. State of Haryana and Another; (2003)4 SCC 675,

(ii). Nikhil Merchant Vs. Central Bureau of Investigation; (2008) 9 SCC 677,

(iii). Manoj Sharma Vs. State and Others; (2008) 16 SCC 1,

(iv). Gian Singh Vs. State of Punjab; (2012); 10 SCC 303,

(v). Narindra Singh and others Vs. State of Punjab; ( 2014) 6 SCC 466,

8. In the aforesaid judgments, the Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non compoundable offences. Reference may also be made to the decision given by this Court in Shaifullah and Others Vs. State of U.P. & Another; 2013 (83) ACC 278 and Pramod & Another Vs. State of U.P. & Another (Application U/S 482 No.12174 of 2020, decided on 23rd February, 2021) and Daxaben Vs. State of Gujarat, reported in 2022 SCC Online SC 936 in which the law expounded by the Apex court in the aforesaid cases has been explained in detail.

9. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by the counsel for the parties, the court is of the considered opinion that no useful purpose shall be served by prolonging the proceedings of the above mentioned criminal case as the parties have already settled their dispute.

10. Accordingly, proceedings of charge sheet dated 14.11.202, Cognizance/Summoning order dated 18.07.2024 and Case No.68343 of 2024 (State of U.P. vs. Amit Bajpai and Others), arising out of Case Crime No.0098 of 2022, under Sections 498-A, 323, 506 I.P.C. and Section 3/4 D.P. Act, Police Station- Nawabganj, District- Kanpur Nagar, pending in the court of Additional Chief Judicial Magistrate/Additional Civil Judge (Senior Division), Court No.5, Kanpur Nagar, on the basis of compromise, are hereby quashed.

11. The application is, accordingly, allowed. There shall be no order as to costs.

Order Date :- 4.2.2025 Rahul.