

# **Abhishek And 2 Others vs State Of U.P. And 3 Others on 31 January, 2025**

**Author: Mahesh Chandra Tripathi**

**Bench: Mahesh Chandra Tripathi**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:14384-DB

Court No. - 42

Case :- CRIMINAL MISC. WRIT PETITION No. - 23161 of 2024

Petitioner :- Abhishek and others

Respondent :- State of U.P. and others

Counsel for Petitioner :- Anurag Yadav, Mahendra Pratap

Counsel for Respondent :- G.A.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri Anurag Yadav, learned counsel for the petitioners, Sri G.P. Singh, learned A.G.A. for the State-respondents. Sri Abhishek Singh, Advocate has put in appearance on behalf of respondent no.4.

2. By means of the present writ petition the petitioner is praying to quash the F.I.R. dated 23.07.2024 registered as Case Crime no.190 of 2024 under section 420, 467, 468, 471, 406, 504, 506 IPC and Section 138 of N.I. Act, 1881, Police Station-Ramala, District-Baghat.

3. While entertaining the writ petition, vide order dated 17.12.2024, a Division Bench has accorded interim relief on the premise that the parties have already entered into compromise. For ready reference, order dated 17.12.2024 is reproduced below:-

"1. Sri Abhishek Singh has filed his Vakalatnama on behalf of the respondent no. 4. It be kept on record.

2. Learned counsel for the petitioners and Sri Abhishek Singh, learned counsel appearing for the respondent no. 4 admit that the parties have entered into a compromise and the photocopy of the compromise has been annexed at page no. 34 of the writ petition.

3. It shall be, therefore, in the interest of justice that the parties may appear before the concerned Investigating Officer and he shall thereafter verify the compromise in the presence of both the parties. The verification report be sent to this Court on or before 28.01.2025.

4. Put up this case on 28.01.2025 as fresh.

5. Till the next date of listing, no coercive action shall be taken against the petitioners.

6. When the case is listed next, the name of Sri Abhishek Singh be shown in the cause list as learned counsel appearing for the respondent no. 4."

4. In response to aforesaid order, learned A.G.A. states that the compromise has duly been verified by the I.O. and the informant has accepted that he is not inclined to proceed further in the matter.

5. Learned counsel for the informant states that he has no objection, in case, the impugned FIR is quashed in terms of compromise. Learned A.G.A. has also given nod to the said request.

6. The Hon'ble Apex Court in the case of State of Madhya Pradesh Vs. Laxmi Narayan and others, reported in (2019) 5 SCC 688 has laid down principles for quashing the proceeding on the basis of settlement/compromise. Relevant paragraphs are quoted herein below:-

"15. Considering the law on the point and the other decisions of this Court on the point, referred to herein above, it is observed and held as under:

i) that the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

ii) such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

iii) similarly, such power is not to be exercised for the offences under the special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

iv) offences under Section 307 IPC and the Arms Act etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh vs. State of Punjab, (2014) 6 SCC 466 should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

v) while exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise etc."

7. In view of aforesaid facts of the case as well as law laid down by Hon'ble Supreme Court in the matter of Laxmi Narayan (supra), the writ petition is allowed. Consequently, impugned F.I.R. dated 23.07.2024 registered as Case Crime no.190 of 2024 under section 420, 467, 468, 471, 406, 504, 506 IPC and Section 138 of N.I. Act, 1881, Police Station-Ramala, District-Baghpat is hereby quashed.

Order Date :- 31.1.2025 Manish Himwan