

Dharmendra Kumar And 2 Otehrs vs State Of U.P. And Another on 2 January, 2025

Author: Manju Rani Chauhan

Bench: Manju Rani Chauhan

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:745

Court No. - 52

Case :- APPLICATION U/S 482 No. - 31453 of 2024

Applicant :- Dharmendra Kumar And 2 Otehrs

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

Counsel for Applicant :- Ram Prasad Kanaujiya

Counsel for Opposite Party :- G.A.,Narendra Singh

Hon'ble Mrs. Manju Rani Chauhan,J.

1. Heard Sri Ram Prasad Kanaujiya, learned counsel for the applicants, Sri Mayank Awasthi, learned Brief Holder for the State, Sri Narendra Singh, learned counsel for opposite party no. 2 and perused the record.

2. This application under Section 482 Cr.P.C. has been filed challenging the proceedings of Criminal Case No. 23876 of 2017, State v. Dharmendra Kumar & others, arising out of Crime No. 656 of 2016, under Sections 498A, 323, 504 IPC and 3/4 Dowry Prohibition Act, Police Station Barra, District Kanpur Nagar, pending in the court of C.M.M. (now C.J.M.), Kanpur Nagar.

3. Earlier, on 30.09.2024 following order was passed:

"1. Sri Narendra Singh, filed vakalatnama on behalf of opposite party no. 2 is taken on record.

2. Heard Sri Ram Prasad Kanaujiya, learned counsel for the applicants, Sri Narendra Singh, learned counsel for the opposite party no. 2 and the learned A.G.A. Perused the record.

3. Applicants have approached this Court by means of present application under Section 482 Cr.P.C. with the following prayer:-

"It is, therefore, Most Respectfully prayed that this Hon'ble Court may graciously be pleased to allow this application and quash/drop the proceedings of Case No. 23876 of 2017 (State Vs. Dharmendra Kumar and Others), arising out of Case Crime No. 656 of 2016, under sections 498-A, 323, 504 I.P.C. and 3/4 D.P. Act, Police Station Barra, Kanpur Nagar, pending in the Court of learned C.M.M.(Now C.J.M.) Kanpur Nagar.

It is further prayed that till the final disposal of this application before this Hon'ble Court further proceedings of Case No. 23876 of 2017 (State Vs. Dharmendra Kumar and Others), arising out of Case Crime No. 656 of 2016, under sections 498-A, 323, 504 I.P.C. and 3/4 D.P. Act, Police Station Barra, Kanpur Nagar, pending in the Court of learned C.M.M.(Now C.J.M.) Kanpur Nagar.

And/or may pass such other and fuhrer order which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case."

4. Learned counsel for the appellants and learned counsel for the opposite party no. 2 have jointly submitted that the parties have settled their dispute out of Court on the basis of compromise. They have drawn the attention of this Court towards compromise deed dated 15.7.2024 in which it is stated that by amicable settlement both the parties want to resolve the aforesaid dispute. It is next submitted that the entire proceedings be dropped in light of the compromise deed filed by the parties. It is further submitted that the parties are also ready to appear before the court concerned for verification of compromise.

5. Learned AGA is having no objection, if any, such direction is given to the court concerned for verification of compromise executed between the parties.

6. As both the parties have amicably settled their dispute and compromise has also been arrived between them, therefore, it is directed that both the parties shall appear before the court concerned within ten days and shall file an application along with the certified copy of this order for verification of compromise, enter between them.

7. If any such compromise is moved, then the court below shall verify the compromise, in accordance with law, and shall pass a reasoned order accepting or rejecting of compromise, in accordance with law and transmit verification report to this Court.

8. Put up this case on 18.10.2024 as fresh.

9. Till the next date of listing, no coercive measures shall be adopted against the appellants in the aforesaid case.

10. Office is directed to submit a report on the next date fixed in respect of verification report, if any, forwarded by the court concerned."

4. In compliance of the aforesaid order, compromise has been verified by order dated 27.9.2024 passed by Chief Judicial Magistrate, Kanpur Nagar. A copy of the said order has been brought on record along with the letter of CJM dated 15.10.2024, as is evident from the office report dated 17.10.2024.

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

6. Learned A.G.A. for the State accepts that the parties have entered into a compromise and the copy of the same has also been enclosed alongwith verification order, they have no objection, if the proceedings in the aforesaid case are quashed.

7. Before proceeding further it shall be apt to make a brief reference to the following cases:-

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

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

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

4. Gian Singh Vs. State of Punjab; (2012); 10 SCC 303; and

5. 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, 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 hereinabove, 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, the proceedings of Criminal Case No. 23876 of 2017, State v. Dharmendra Kumar & others, arising out of Crime No. 656 of 2016, under Sections 498A, 323, 504 IPC and 3/4 Dowry Prohibition Act, Police Station Barra, District Kanpur Nagar, pending in the court of C.M.M. (now C.J.M.), Kanpur Nagar, are hereby quashed.

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

12. A copy of this order be sent to the court concerned forthwith.

Order Date :- 2.1.2025 DS