

Mohd Sabir And Another vs State Of U.P. And Another on 31 January, 2025

Author: Manju Rani Chauhan

Bench: Manju Rani Chauhan

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:14904

Court No. - 52

Case :- APPLICATION U/S 482 No. - 44364 of 2024

Applicant :- Mohd Sabir And Another

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

Counsel for Applicant :- Brijesh Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Manju Rani Chauhan,J.

1. Heard Mr. Brijesh Kumar Pandey, learned counsel for the applicant, Mr. Amit Singh Chauhan, learned AGA-I and perused the records.

2. These application under Section 482 Cr.P.C. has been filed for quashing the charge sheet no.582 of 2019 and cognizance/summoning order dated 18.02.2020 as well as the entire proceedings of Case No.670 of 2020 (State vs. Mohd Kasif), arising out of Case Crime No.0458 of 2019, under Sections 498A, 323, 504, 506 IPC and Section 3/4 D.P. Act, Police Station-Kotwali, District-Rampur, pending before the court concerned on the basis of compromise.

3. Learned counsel for the applicant submits that the husband of opposite party no.2, namely, Mohd Kasif had appeared before this Court by means of application U/s 482 Cr.P.C. No.26573 of 2024, in which this Court vide order dated 17.10.2024 has passed the following order:-

"1. Heard Sri Brijesh Kumar Pandey, learned counsel for the applicant, Sri Mayank Awasthi, learned Brief Holder for the State and perused the record.

2. The present application under Section 482 Cr.P.C. has been filed by the applicant for quashing charge sheet no. 582 of 2019 arising out of Case Crime No. 458 of 2019, under Sections 498-A, 323, 504, 506 IPC and 3 and 4 of D.P. Act, P.S. Kotwali, District Rampur as well as cognizance/ summoning order dated 18.02.2020 and proceedings of Case No. 670 of 2020, State v. Mohd. Kasif, pending before the Additional Chief Judicial Magistrate-Ist, Rampur.

3. Earlier, this Court has passed following order on 13.08.2024:

"Heard learned counsel for applicant and learned A.G.A. for the State.

This application u/s 482 Cr.P.C. has been filed with the prayer to quash the entire proceedings, including charge-sheet No. 582 of 2019 and cognizance/summoning order dated 18.02.2020, of criminal case no. 670 of 2020, arising out of case crime no. 0458 of 20198, under Sections 498A, 323, 504, 506 IPC and Section 3/4 of D.P. Act, P.S. Kotwali, District Rampur, pending in the court of Principal Judge, Family Court, Rampur, in terms of the compromise arrived at between the parties.

It is submitted that on account of intervention of the well-wishers, a compromise has been arrived at between the parties. The said compromise has already been filed before the trial court concerned. It is further contended that proceedings of the aforesaid case may be quashed on the basis of compromise arrived at between the parties.

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

Learned counsel for the parties to ensure their presence before the trial court concerned or any other transferee court, as the case may be, on 27.08.2024 and the court concerned, thereafter, shall ascertain the veracity of the compromise. If the said compromise is verified, the same shall be made part of the record and report to that effect, will be prepared and the parties would be allowed to obtain certified copy thereof and file the same before this Court by the next date.

Parties are also directed to produce certified copy of this order before the court concerned on the date fixed before it.

Put up as fresh on 11.09.2024.

Till the next date of listing, no coercive action would be taken against the applicant in the aforesaid case."

4. On 04.09.2024 following order was passed:

"Ref: Criminal Misc. Correction Application No. 01 of 2024

1. Heard learned counsel for the applicant and perused the record.
2. Learned counsel for the applicants is permitted to make correction in the prayer clause of the application under Section 482 Cr.P.C. during course of the day.
3. It is directed that in the seventh line of 2nd paragraph of the order dated 13.08.2024, in place of "Principal Judge, Family Court, Rampur", the same be read as 'Additional Chief Judicial Magistrate-Ist, Rampur'.
4. It is further directed that the parties would appear before the trial Court concerned on 10.09.2024 for verification of compromise in terms of the order dated 13.08.2024.
5. The correction application is disposed of accordingly."

5. In compliance of the aforesaid order, compromise has been verified on 24.09.2024 by the Additional Chief Judicial Magistrate, Court No. 1, Rampur. Certified copy of the order dated 24.09.2024 has been passed on by learned counsel for the applicant. It is taken on record. Learned counsel for the applicant states that the parties have entered into compromise and no grudge or dispute remains against each other. They do not want to proceed with the matter, therefore the instant application may be allowed.

6. Before proceeding any 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.

7. 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.

8. 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.

9. Accordingly, charge sheet no. 582 of 2019 arising out of Case Crime No. 458 of 2019, under Sections 498-a, 323, 504, 506 IPC and 3 and 4 of D.P. Act, P.S. Kotwali, District Rampur as well as cognizance/ summoning order dated 18.02.2020 and proceedings of Case No. 670 of 2020, State v. Mohd. Kasif, pending before the Additional Chief Judicial Magistrate-Ist, Rampur, are hereby quashed.

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

4. He further submits that as the husband and wife (opposite party no.2) have amicably settled the dispute, therefore, nothing remains against the applicants, who are in-laws. He further submits that as the compromise entered into between the husband and wife and the proceedings against husband have already been quashed by this Court vide order dated 17.10.2024, therefore, further proceedings against the applicants in the aforesaid case is liable to be quashed by this Court.

5. Learned A.G.A. for the State does not dispute the aforesaid fact and submitted at the Bar that since the parties concerned have settled their dispute as mentioned above, therefore, they have no objection in quashing the impugned criminal proceedings against the applicants.

6. With the consent of learned counsel for the applicants as well as learned AGA, the application is being decided finally without issuing notice to the opposite party no.2 as in the case of husband, the opposite party no.2 has appeared before this Court and stated that she has entered into compromise and the same has been verified as is detailed in the order dated 17.10.2024.

7. Before proceeding any 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,
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 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, the charge sheet no.582 of 2019 and cognizance/summoning order dated 18.02.2020 as well as the entire proceedings of Case No.670 of 2020 (State vs. Mohd Kasif), arising out of Case Crime No.0458 of 2019, under Sections 498A, 323, 504, 506 IPC and Section 3/4 D.P. Act, Police Station-Kotwali, District-Rampur, pending before the court concerned is hereby quashed.

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

12. It is always open to the parties to approach before this Court in case verification has been done by playing fraud.

13. A copy of this order be sent to the lower court forthwith.

Order Date :- 31.1.2025 Jitendra/-