

Smt Rekha Gupta And Another vs State Of U.P. And 2 Others on 3 March, 2025

Author: Mahesh Chandra Tripathi

Bench: Mahesh Chandra Tripathi

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:30033-DB

Court No. - 42

Case :- CRIMINAL MISC. WRIT PETITION No. - 12918 of 2024

Petitioner :- Smt Rekha Gupta And Another

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Shikhar Tandon

Counsel for Respondent :- Akshat Sinha,G.A.,Sanyukta Singh

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Supplementary affidavit filed by learned counsel for the petitioners is taken on the record.
2. Heard Mr. Shikhar Tandon, learned counsel for the petitioners, learned A.G.A. appearing for the State-respondents, learned counsel for the informant and perused the material brought on the record.

3. By means of the present writ petition under Article 226 of the Constitution of India, petitioner is assailing the legal validity of First Information Report dated 14.06.2024 registered as case crime No.567 of 2024, P.S. Kavi Nagar, District Ghaziabad under Sections 420, 467, 468, 471 and 120B I.P.C.

4. This Court vide order dated 28.11.2024 has proceeded to pass the following order:

"1. Heard Sri Shikhar Tandon, learned counsel for the petitioners, learned AGA for the State respondents and Sri Harshit Pandey, holding brief of Sri Akshat Sinha, learned counsel for the informant.

2. The instant writ petition under Article 226 of the Constitution of India has been filed for quashing the FIR dated 14.06.2024 registered as case crime no.567 of 2024, P.S. Kavi Nagar, District Ghaziabad under Sections 420, 467, 468, 471 and 120B I.P.C.

3. Learned counsel for the petitioners vehemently contended that the dispute between the parties is commercial in nature, moreover, the parties have amicably settled their dispute outside the Court by way of compromise and the property has been handed over to the informant now, the informant does not want to prosecute the petitioners. The compromise has taken place between them on 30.09.2024, copy of the compromise deed could not be appended as there is strike in the district court.

4. Learned A.G.A. and learned counsel appearing for the informant do not dispute the aforesaid facts.

5. In view of above facts, the parties shall file an application along with the compromise deed and appear before the Court concerned for verification of the compromise in the Week Commencing 9th December, 2024. On receiving the said application, the Court below shall take steps for verification of the compromise and shall prepare a verification report. The concerned Court shall send the verification report to this Court, which may be placed in the file.

6. List this matter on 11.01.2024 along with report of Court below.

7. Till the next date of listing, no coercive action shall be taken against the petitioners in the aforesaid case."

5. In response to the order dated 28.11.2024, a report dated 19.12.2024 is submitted by the Chief Judicial Magistrate, Moradabad whereby the compromise/settlement has been duly verified. Learned counsel for the petitioners contends that the parties reached a mutual compromise and executed a Compromise on 30.09.2024, agreeing to withdraw cases filed against each other. He further states that since the parties have already settled the matter, the instant First Information Report is liable to be quashed.

6. Learned counsel for the informant states informant has no objection in case the impugned first information report is quashed. Learned AGA has also fairly submitted that as the matter is already settled and the interim order was accorded, the impugned FIR may be quashed.

7. It is jointly submitted that this being an offshoot of a dispute, same has come to be amicably resolved under the compromise dated 30.09.2024, duly verified by the concerned Judicial Magistrate, pending proceedings would serve no purpose and the same are liable to be quashed in the light of the judgements of the Hon'ble the Apex Court in the case of B.S. Joshi v. State of Haryana and others, 2003(4) SCC 675 and Gian Singh v. State of Punjab, 2012(10) SCC 303. Reliance has also been placed on the judgment of Division Bench of this Court dated 16.9.2022 in Criminal Misc. Writ Petition No.8510 of 2022 (Anuj Pandey v. State of U.P. & Ors.), wherein, it is observed that the High Court has ample power under its inherent jurisdiction to quash the first information report in which the parties have settled their disputes which are of private in nature and have no any grave impact on the society. The time of courts as well as investigating agencies are very precious which should not be wasted in any futile proceedings where the chance of conviction is bleak.

8. Hon'ble the Apex Court in the case of Gian Singh (supra) has held in para-61 that;

"the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences Under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil favour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote

and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

9. The genesis of the dispute between the parties was of purely civil in nature. Neither it is involving any moral turpitude nor is heinous in nature. Since the dispute between the parties have already been settled amicably vide compromise dated 30.09.2024 and the same was also duly verified by the concerned Chief Judicial Magistrate, therefore, under the changed circumstances, pending proceedings would serve no purpose and the same are liable to be quashed in the light of the aforesaid judgments.

10. The writ petition is allowed and the proceedings of First Information Report dated 14.06.2024 registered as case crime No.567 of 2024, P.S. Kavi Nagar, District Ghaziabad under Sections 420, 467, 468, 471 and 120B I.P.C. are quashed.

Order Date :- 3.3.2025 Sachin (Prashant Kumar,J.) (Mahesh Chandra Tripathi,J.)