

# **Arpit Agarwal And 4 Others 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:14906

Court No. - 52

Case :- APPLICATION U/S 482 No. - 44289 of 2024

Applicant :- Arpit Agarwal And 4 Others

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

Counsel for Applicant :- Ajay Kumar Srivastava, Shivangi Bhargava

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Manju Rani Chauhan, J.

1. Heard learned counsel for the applicants, Mr. Mayank Awasthi, learned counsel for the State and perused the records.

2. The present application under Section 482 Cr.P.C. has been filed for quashing the charge sheet dated 21.01.2022 and cognizance/summoning order dated 15.04.2023 as well as the entire proceedings of Case No.429 of 2023 (State vs. Arpit Agarwal and others), arising out of Case Crime No.450 of 2021, under Sections 498A, 323, 504, 506, 354A IPC and Section 3/4 D.P. Act, Police Station-Subhash Nagar, District-Bareilly, pending before the court of Civil Judge (C.D.) (F.T.C.)/A.C.J.M., Bareilly on the basis of compromise.

3. Earlier, an application U/s 30901 of 2024 was filed by the applicants, wherein on 19.11.2024, the following order was passed:-

"Heard learned counsel for the applicants, Mr. Akhilesh Kumar Srivastava, learned A.G.A. for the State and perused the record.

The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 21.01.2022 as well as summoning order dated 15.04.2023 including entire criminal proceedings in Case No. 429 of 2023 (State v. Arpit Agrawal and others), arising out of Case Crime No. 450 of 2021, under Sections 498A, 323, 504, 506, 354A IPC and 3/4 D.P. Act, in the court of Civil Judge CD (FTC) ACJM, Bareilly, Police Station Subhash Nagar, Bareilly, on the basis of compromise.

Learned counsel for the parties submit that the parties have amicably settled their dispute out of Court and have entered into compromise. In this regard, an affidavit on behalf of both the parties has been moved before the Court concerned mentioning therein that they have entered into compromise and they do not want to press the case, copy of said compromise has been annexed as Annexure no.5 to this application. Therefore, no useful purpose would be served in continuing the proceedings before the court below and the same is not only sheer wastage of time of the Court but also abuse of the 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.

Learned AGA, however, submits that it is the concerned court below, which has to verify the fact as to whether the parties have entered into compromise, hence the applicants 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.

In view of the above, both the parties are directed to appear before the court below along with a certified copy of this order and permitted to file a proper compromise deed. 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, as expeditiously as possible, preferably within a period of two months 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.

The court in that scenario will allow the parties to obtain certified copy of the order verifying the compromise deed and it will be open to the applicants to approach this Court again for quashing of the proceedings.

Till verification of compromise between the parties by the court concerned, no coercive action shall be taken against the applicants in the aforesaid case.

With the aforesaid directions, this application is finally disposed of. "

4. In compliance of the aforesaid order, compromise between the parties has been verified vide order dated 28.10.2024 passed by A.C.J.M., Bareilly in the presence of the parties alongwith their respective counsels. Certified copy of the aforesaid order has been annexed as Annexure No.6 of this application.

5. Learned counsel for the applicants submits that on account of compromise entered into between the parties concerned, all disputes between them have come to an end, and therefore, further proceedings against the applicant in the aforesaid case is liable to be quashed by this Court.

6. 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.

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 dated 21.01.2022 and cognizance/summoning order dated 15.04.2023 as well as the entire proceedings of Case No.429 of 2023 (State vs. Arpit Agarwal and others), arising out of Case Crime No.450 of 2021, under Sections 498A, 323, 504, 506, 354A IPC

and Section 3/4 D.P. Act, Police Station-Subhash Nagar, District-Bareilly, pending before the court of Civil Judge (C.D.) (F.T.C.)/A.C.J.M., Bareilly 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/-