

Tauseef And Another vs State Of U.P. And 2 Others on 1 May, 2025

Author: Mahesh Chandra Tripathi

Bench: Mahesh Chandra Tripathi

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:69032-DB

Court No. - 42

Case :- CRIMINAL MISC. WRIT PETITION No. - 7254 of 2025

Petitioner :- Tauseef And Another

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

Counsel for Petitioner :- Ashish Goyal,G.A.

Counsel for Respondent :- Shubham Kumar,G.A.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Anil Kumar-X,J.

1. Heard learned counsel for the petitioners, learned AGA-I for State respondents and the learned counsel for informant.

2. By means of the present writ petition under Article 226 of the Constitution of India, petitioners are assailing the legal validity of First Information Report dated 30.8.2024 being Case Crime No.521 of 2024 under Sections 81, 316(2), 115(2), 352, 351(2) of B.N.S.-2023 at Police Station Ramgarh, District Firozabad.

3. This Court vide order dated 16.4.2025 has proceeded to pass the following order:

" 1. Sri Shubham Kumar, Advocate has filed vakalatnama and short counter affidavit on behalf of first informant, which are taken on record.

2. Heard Sri Ashish Goyal, learned counsel for the petitioners, Sri Rahul Asthana, learned A.G.A. for the State-respondents and Sri Shubham Kumar, learned counsel for the first informant.

3. This writ petition has been filed for the following reliefs:-

"i. To, issue a writ, order or direction in the nature of certiorari quashing the First Information Report dated 30.08.2024, registered as Case Crime No.521 of 2024, Under Sections 81, 316(2),115(2), 352, 351(2) B.N.S. Police Station Ramgarh, District Firozabad.

ii. To, issue, a writ, order or direction in the nature of mandamus directing the respondent no.2 not to arrest of the petitioners in First Information Report dated 30.08.2024, registered as case crime no.521 of 2024, Under Sections 81, 316(2),115(2), 352, 351(2), B.N.S. Police Station Ramgarh, District Firozabad."

4. It has been submitted that there were two first information reports between the parties, one was registered as Case Crime No.521 of 2024 and another one was registered as Case Crime No.81 of 2025, under Sections 333, 115(2), 352, 76, 351(2) B.N.S., Police Station Ramgarh, District Firozabad. In Case Crime No.81 of 2025, the matter was compromised on 26.03.2025 and the first information report was challenged before this Court by filing a Criminal Misc. Writ Petition No.7164 of 2025. It is pointed out that today itself the co-ordinate Bench has referred the matter to the Investigating Officer concerned to verify the compromise between the parties. It is submitted that in the present case also, the compromise has taken place between the parties and the present petition may also be connected with Criminal Misc. Writ Petition No.7164 of 2025 and the compromise may be verified by the Investigating Officer in the present matter also.

5. The present petition has been received by this Court by transfer.

6. Learned counsel for the first informant submits that in the short counter affidavit the fact of compromise is admitted and he has no objection in case the present petition shall be connected with the aforesaid petition and the compromise in the present matter may also be verified by the Investigating Officer.

7. As it was pointed out as the order in Criminal Misc. Writ Petition No.7164 of 2025 has been passed by the co-ordinate Bench today itself, therefore, the same is not available.

8. In view of the statements so made by the learned counsel for the parties, connect this petition with Criminal Misc. Writ Petition No.7164 of 2025 (Tauseef and another Vs. State of U.P. and 2

others) and place before the appropriate Court on the date fixed therein, which is stated to be 01st May, 2025, and in the meantime the compromise between the parties may be verified by the Investigating Officer on the same terms as directed in the aforesaid writ petition on the same date.

9. Till the next date of listing, no coercive action shall be taken against the petitioners pursuant to the impugned F.I.R. dated 30.08.2024, registered as Case Crime No.521 of 2024, Under Sections 81, 316(2),115(2), 352, 351(2) B.N.S. Police Station Ramgarh, District Firozabad. "

4. In response to the order dated 16.4.2025, a report dated 24.4.2025 is submitted by the Judicial Magistrate, Firozabad 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 26.3.2025, 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.

5. 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.

6. It is jointly submitted that this being an offshoot of a dispute, same has come to be amicably resolved under the compromise dated 26.3.2025, 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.

7. 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."

8. 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 26.3.2025 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.

9. The writ petition is allowed and the proceedings of First Information Report dated 30.8.2024 being Case Crime No.521 of 2024 under Sections 81, 316(2), 115(2), 352, 351(2) of B.N.S.-2023 at Police Station Ramgarh, District Firozabad are quashed.

(Anil Kumar-X,J.) (Mahesh Chandra Tripathi,J.) Order Date :- 1.5.2025/Mukesh