

Saleem And 4 Others vs State Of U.P. And Another on 1 May, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:69422

Court No. - 75

Case :- APPLICATION U/S 482 No. - 13898 of 2024

Applicant :- Saleem And 4 Others

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

Counsel for Applicant :- Danish,Rajiv Sisodia

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Shashank Dwivedi, Advocate, holding brief of SriRajiv Sisodia, learned counsel for the applicants and Ms. Harshita Rani, learned A.G.A. for the State.
2. The present application has been filed to quash the charge-sheet no. 62 dated 20.11.2012 in Case No. 2029 of 2012 (State Vs. Salim and others), summoning order dated 30.11.2012 u/s 498-A, 323, 504, 506 I.P.C. and Section 3/4 of Dowry Prohibition Act arising out of Case Crime No. 64 of 2012, Police Station- Mahila Thana, District- Bijnor, pending in the court of F.T.C.-II/Junior Division, Bijnor.
3. Facts giving rise to the present controversy are that applicant no.1 is husband of opposite party no. 2 and matrimonial discord between them has culminated into present proceedings which is under challenge.

4. Learned counsel for the applicants has submitted that during the pendency of the impugned proceedings, the parties have settled their dispute amicably and a written compromise has also been entered into between them. He has further submitted that this Court vide order dated 29.04.2024 directed the court below to verify the said compromise and submit its report to this Court.

5. From the perusal of record, it appears that in pursuance of order dated 29.04.2024 of this Court, the court below has submitted its report dated 13.05.2024 mentioning therein that compromise has been verified. Along with this report, copy of verification order as well as copy of verified compromise have also been annexed.

6. As the parties have settled their dispute amicably which was purely matrimonial in nature and compromise between the parties has already been verified by the court below in pursuance of direction of this Court, in such circumstances, permitting to continue the impugned proceeding will amount to travesty of justice.

7. Hon'ble Apex Court in the case of Gian Singh Vs. State of Punjab & Another; (2012) 10 SCC 303, in paragraph No. 61 of the judgement, observed as under:-

"The position that emerges from the above discussion can be summarised thus: 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 the 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 flavour 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 the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is

remote and bleak and continuation of the criminal case would put the 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 the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

8. Hon'ble Apex Court in the case of State of M.P. vs. Laxmi Narayan; (2019) 5 SCC 688, observed as under:-

"15.1. the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2. such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

15.3 similarly, such power is not to be exercised for the offences under the special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

15.4. Offences under Section 307 IPC and the Arms Act, etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act, etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. However, such an exercise by the High Court would be

permissible only after the evidence is collected after investigation and the charge-sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in Narinder Singh [Narinder Singh v. State of Punjab, (2014) 6 SCC 466 : (2014) 3 SCC (Cri) 54] should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;"

9. From above noted judgements, it is clear that merely mentioning the section of serious offences will not refrain the court from quashing the proceeding, if on considering the material on record, offences under that section is not made out.

10. Considering the material on record, this Court finds that no serious offence is made out against the applicants, which falls in the category of mental depravity or serious offences.

11. Considering the fact as well as on perusal of record, it appears that no heinous and serious offences of mental depravity or other offences, which may affect the society in general, are made out and both the parties have amicably settled their dispute through compromise which has been duly verified by the court below as well as in view of the law laid down by the Apex Court in Gian Singh Vs. State of Punjab & Another; (2012) 10 SCC 303, Narinder Singh & Others vs. State of Punjab & Another (2014) 6 SCC 477, State of M.P. Vs. Laxmi Narayan, (2019) 5 SCC 688 and State of M.P. vs. Dhruv Gurjar, AIR 2017 SC 1106, the charge-sheet no. 62 dated 20.11.2012 in Case No. 2029 of 2012 (State Vs. Salim and others), summoning order dated 30.11.2012 u/s 498-A, 323, 504, 506 I.P.C. and Section 3/4 of Dowry Prohibition Act arising out of Case Crime No. 64 of 2012, Police Station- Mahila Thana, District- Bijnor, pending in the court of F.T.C.-II/Junior Division, Bijnor, are hereby quashed.

12. With the aforesaid direction, the application is allowed.

Order Date :- 1.5.2025 KS