

# **Nand Kishor @ Nandu And 2 Others vs State Of U.P. And Another on 4 February, 2025**

**Author: Manju Rani Chauhan**

**Bench: Manju Rani Chauhan**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:15725

Court No. - 52

Case :- APPLICATION U/S 482 No. - 27282 of 2024

Applicant :- Nand Kishor @ Nandu And 2 Others

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

Counsel for Applicant :- Aditya Kumar Tripathi

Counsel for Opposite Party :- Anil Kumar Tiwari,G.A.

Hon'ble Mrs. Manju Rani Chauhan,J.

1. Heard Mr. Aditya Kumar Tripathi, learned counsel for the applicants, Mr. Anil Kumar Tiwari learned counsel for opposite party no.2 and Mr. Mayank Awasthi, learned A.G.A. for the State and perused the records.

2. This application u/s 482 has been filed by the applicant with the prayer to quash the entire proceedings, including charge sheet dated 07.05.2013, cognizance/summoning order dated 17.10.2018 and and bailable warrant dated 28.01.2020, of Case No. 5027 of 2018 (State Vs. Panna Lal Prajapati and others), arising out of Case Crime No. 160 of 2013, under Sections - 498-A, 506 I.P.C, Police Station - Kotwali, District - Etawah, pending in the court of Chief Judicial Magistrate,

Etawah, on the basis of compromise.

3. On 27.09.2024, the following order was passed:-

"1. Heard learned counsel for applicants, learned counsel for the opposite party no.2/informant and learned A.G.A. for the State.

2. This application u/s 482 Cr.P.C. has been filed for quashing of the entire proceedings, including charge sheet dated 07.05.2013, cognizance/summoning order dated 17.10.2018 and dated 28.01.2020, of Case No. 5027 of 2018 (State Vs. Panna Lal Prajapati and others), arising out of Case Crime No. 160 of 2013, under Sections - 498-A, 506 I.P.C, Police Station - Kotwali, District - Etawah, pending in the court of Chief Judicial Magistrate, Etawah, in terms of the compromise arrived at between the parties.

3. It is submitted by learned counsel for the applicants that both the parties have compromised the matter and that by order dated 21.08.2024 passed by this Court, parties were directed to file compromise before the trial court within a period of two weeks. Due to bad physical condition of applicant no.1, the parties could not file compromise before the trial court within the aforesaid period and thus, further time may be granted for filing of compromise and for verification of the same.

4. In view of aforesaid, it is directed that applicants may file compromise before the trial court concerned within a period of two weeks from today and in case such a compromise is filed, the same shall be verified in terms of order dated 21.08.2024. In case such a compromise is verified, the trial court concerned shall send the report of verification to this Court.

5. List this case on 25.10.2024.

6. Interim order, passed earlier, shall continue till the next date of listing."

4. In compliance of the order dated 27.09.2024, compromise verification report is placed on record as is evident from office report dated 04.02.2025. The letter of In-charge Civil Judge (Junior Division)F.T.C./ Judicial Magistrate, (Crime Against Women) dated 07.10.2024 has been placed on record along with order dated 05.10.2024 vide which compromise has been verified between the parties.

5. Learned counsel for the applicants submits that since the compromise entered between the parties has been verified by the court below, the entire proceedings of the aforesaid criminal case may be quashed by this Court.

6. Learned A.G.A. for the State also accept that the parties have entered into a compromise and the copy of the same has also been enclosed along with verification order, they have no objection, if the

proceedings in the aforesaid case are quashed.

7. This Court is not unmindful of the following judgements of the Apex Court:

- (i). B.S. Joshi and others Vs. State of Haryana and Another; (2003)4 SCC 675,
- (ii). Nikhil Merchant Vs. Central Bureau of Investigation; (2008) 9 SCC 677,
- (iii). Manoj Sharma Vs. State and Others; (2008) 16 SCC 1,
- (iv). Gian Singh Vs. State of Punjab; (2012); 10 SCC 303,
- (v). 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 and Pramod & Another Vs. State of U.P. & Another (Application U/S 482 No.12174 of 2020, decided on 23rd February, 2021) and Daxaben Vs. State of Gujarat, reported in 2022 SCC Online SC 936 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 proceedings, including charge sheet dated 07.05.2013, cognizance/summoning order dated 17.10.2018 and and bailable warrant dated 28.01.2020, of Case No. 5027 of 2018 (State Vs. Panna Lal Prajapati and others), arising out of Case Crime No. 160 of 2013, under Sections - 498-A, 506 I.P.C, Police Station - Kotwali, District - Etawah, on the basis of compromise, are hereby quashed.

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

Order Date :- 4.2.2025 Abhishek Singh