

Upendra Kumar Singh vs State Of U.P. And Another on 3 March, 2025

Author: Manju Rani Chauhan

Bench: Manju Rani Chauhan

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:29397

Court No. - 52

Case :- APPLICATION U/S 482 No. - 34760 of 2024

Applicant :- Upendra Kumar Singh

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

Counsel for Applicant :- Nandini Pandey

Counsel for Opposite Party :- G.A.,Shobhit Agrawal

Hon'ble Mrs. Manju Rani Chauhan,J.

1. Heard Mr. Nandini Pandey, learned counsel for the applicants, Mr. Shobhit Agrawal, learned counsel for the opposite party no.2, Ms. Kirti Singh, 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 24.05.2016 and cognizance order dated 12.01.2018 as well as the entire proceedings of Case No.592 of 2018 (State vs. Upendra Kumar Singh and Others), arising out of Case Crime No.271 of 2015, under Sections 498A, 323, 377, 504, 506 IPC and Section 3/4 D.P. Act, Police Station-Civil Lines, District-Rampur, pending before the court of Chief Judicial Magistrate, Rampur on the basis

of compromise.

3. Earlier on 14.11.2024, the following order was passed:-

"1. Heard Ms. Nandini Pandey, learned counsel for the applicant, Mr. Shobhit Agrawal, learned counsel for the opposite party no.2 and Mr. Mayank Awasthi, learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 24.05.2016 and cognizance order dated 12.01.2018 as well as the entire proceedings of Criminal Case No.592 of 2018 (State of U.P. Vs. Upendra Kumar Singh and others), arising out of Case Crime No. 271 of 2015, under Sections 498A, 323, 377, 504, 506 IPC and Section 3/4 D.P. Act, Police Station- Civil Lines, District- Rampur, pending in the court of Chief Judicial Magistrate, Rampur in pursuance of compromise deed dated 31.08.2024.

3. Learned counsel for the applicants submits that the parties have amicably settled their dispute and a compromise has been entered into between the parties. The copy of the said compromise/mutual deed, filed before the court below, is annexed as Annexure No. 3 to this application. Therefore, continuance of proceedings against the applicant would be a futile exercise and wastage of time of the Court and will be abuse of 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.

4. Learned AGA as well as learned counsel for opposite party no.2 also does not dispute the correctness of the submissions made by the learned counsel for the applicants.

5. Whether a compromise has taken place or not can at best be ascertained by the court, where the proceedings are pending, after ensuring the presence of the parties before it.

6. In view of the above, both the parties are directed to appear before the court below along with copy of compromise deed as well as a certified copy of this order within a two week from today. 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, after hearing the informant, as expeditiously as possible, preferably within a period of four weeks 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?

7. Upon due verification of compromise, the court below may pass appropriate order in that regard and send a report to this Court.

8. Put up this case on 13.12.2024, as fresh.

9. Till then, no coercive measure shall be taken against the applicant in the aforesaid case. "

4. In compliance of the aforesaid order, a report regarding verification of compromise deed has been placed on record as is evident from the office report dated 28.02.2025. A letter of the C.J.M., Rampur dated 19.12.2024 has been placed alongwith copy of order dated 13.12.2024 vide which compromise has been verified in the presence of the parties alongwith their respective counsels.

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 as well as counsel for the opposite party no.2 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:-

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. 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 24.05.2016 and cognizance order dated 12.01.2018 as well as the entire proceedings of Case No.592 of 2018 (State vs. Upendra Kumar Singh and Others), arising out of Case Crime No.271 of 2015, under Sections 498A, 323, 377, 504, 506 IPC and Section 3/4 D.P. Act, Police Station-Civil Lines, District-Rampur, pending before the court of Chief Judicial

Magistrate, Rampur 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 :- 3.3.2025 Jitendra/-