

Ansari Ahamad vs State Of U.P. And Another on 28 February, 2025

Author: Manju Rani Chauhan

Bench: Manju Rani Chauhan

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:28989

Court No. - 52

Case :- APPLICATION U/S 482 No. - 18976 of 2023

Applicant :- Ansari Ahamad

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

Counsel for Applicant :- Anjeet Singh

Counsel for Opposite Party :- G.A., Kamlesh Singh

With

Case :- APPLICATION U/S 482 No. - 15405 of 2023

Applicant :- Naushad And 2 Others

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Anjeet Singh

Counsel for Opposite Party :- G.A., Kamlesh Singh

With

Case :- APPLICATION U/S 482 No. - 8836 of 2023

Applicant :- Sahru Nisha And 3 Others

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

Counsel for Applicant :- Anjeet Singh

Counsel for Opposite Party :- G.A., Kamlesh Singh

Hon'ble Mrs. Manju Rani Chauhan, J.

1. Heard Mr. Anjeet Singh, learned counsel for the applicants, Mr. Kamlesh Singh, learned counsel for the opposite party no.2 and Mr. Amit Singh Chauhan, learned A.G.A. for the State.

2. This application u/s 482 has been filed by the applicant with the prayer to quash the entire proceeding of Criminal Case No. 5940 of 2023, arising out of Case Crime No. 238 of 2022, under sections 147, 323, 504, 506, 366, 354 I.P.C. and section 3, 5(1) The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, P.S. Asothar, District-Fatehpur, pending in the court of Additional Civil Judge (J.D.)/Judicial Magistrate, court no. 6, Fatehpur, as well as chargesheet dtd 29.1.2023 and cognizance / summoning order dated 4.2.2023 on the basis of compromise.

3. On 18.12.2024, the following order was passed:-

"1. Heard learned counsel for the applicant, learned counsel for the O.P. No.2 as well as learned A.G.A. for the State.

2. The applicant has invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C. for quashing the Charge sheet dated 29.01.2023 as well as cognizance/summoning order dated 04.02.2023 and the entire criminal proceeding of Criminal Case No. 5940 of 2023, arising out of Case Crime No. 238 of 2022 u/s 147, 323, 504, 506, 366, 354 I.P.C., and 3, 5(1) The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, Police Station- Asothar, District-Fatehpur.

3. It is submitted that during pendency of the criminal proceeding, both the parties have arrived at compromise and settled their dispute amicably out of the Court. Therefore, instant application may be allowed and criminal proceedings may be quashed.

4. Learned counsel for the opposite party No. 2 has nodded the factum of the compromise entered into between the parties and he has no objection, in case matter

is referred before the court below for verification of compromise. It is further submitted that opposite party no. 2 is no more inclined to prosecute the criminal proceeding against the applicant. Therefore, instant application may be allowed and criminal proceedings against the applicant may be quashed.

5. Learned A.G.A. has no objection in referring the matter before the court below for verification of compromise.

6. In this conspectus, as above, both the parties are hereby directed to appear before the court below on 07.01.2025/08.01.2025 to get their compromise verified. The learned court concerned, in turn, shall verify the same in presence of both the parties after recording their statements and submit its verification report on or before the next date fixed.

7. List this matter on 28.02.2025, along with compromise verification report submitted by the court concerned, if any.

8. Till the next date of listing, further proceeding against the applicant in aforesaid criminal case shall remain stayed.

9. Office shall return the original copy of the compromise (annexure no.2 to the supplementary affidavit dated 05.04.2024) to learned counsel for the applicant after retaining its photostat copy at the relevant place."

4. In compliance of the order dated 18.12.2024, compromise verification report is placed on record as is evident from office report dated 28.2.2025. The letter of Additional District & Sessions Judge, court no. 1, Fatehpur, dated 10.2.2025 has been placed on record along with order dated 8.1.2025 vide which compromise has been verified between the parties.

5. Learned counsel for the applicant 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 as well as learned counsel for the opposite party no.2 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 of Criminal Case No. 5940 of 2023, arising out of Case Crime No. 238 of 2022, under sections 147, 323, 504, 506, 366, 354 I.P.C. and section 3, 5(1) The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, P.S. Asothar, District-Fatehpur, pending in the court of Additional Civil Judge (J.D.)/Judicial Magistrate, court no. 6, Fatehpur, as well as chargesheet dtd 29.1.2023 and cognizance / summoning order dated 4.2.2023, on the basis of compromise, are hereby quashed.

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

Order Date :- 28.2.2025 Faridul