

Ankit Sharma And 2 Others 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:29855

Court No. - 52

Case :- APPLICATION U/S 482 No. - 36983 of 2024

Applicant :- Ankit Sharma And 2 Others

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

Counsel for Applicant :- Akash Tyagi, Neha Tyagi

Counsel for Opposite Party :- Vijay Kumar, G.A.

Hon'ble Mrs. Manju Rani Chauhan, J.

1. Heard Mr. Tarun Kedar Nath Singh, Advocate appearing on behalf of Mr. Akash Tyagi, learned counsel for the applicants, Mr. Vijay Kumar, learned counsel for opposite party no.2 as well as Mr. Akhilesh Kumar Srivastava, learned A.G.A. for the State and perused the record.

2. The present 482 Cr.P.C. application has been filed with the prayer to quash the charge sheet dated 24.05.2018 along with Cognizance/Summoning order dated 21.08.2020 under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 D.P. Act against the applicant nos.1 and 3 and under Sections 498-A, 323, 504, 506, 354 I.P.C. and Section 3/4 D.P. Act against the applicant no.2 as well as Bailable Warrant dated 09.01.2024 passed by the Additional Chief Judicial Magistrate-II, Meerut in

Case No.7869 of 2020 (New Case No.13252/23), arising out of Case Crime No.200/2018, under Sections 498-A, 323, 504, 506, 354 I.P.C. and Section 3/4 D.P. Act, Police Station- Transport Nagar, District- Meerut and the entire criminal proceeding of Case No.7869 of 2020 (New Case No.13252/2023), arising out of Case Crime No.200/2018, under Sections 498-A, 323, 504, 506, 354 I.P.C. and Section 3/4 D.P. Act, Police Station- Transport Nagar, District- Meerut, pending in the court of Additional Chief Judicial Magistrate-II, Meerut, on the basis of compromise.

3. On 06.11.2024, the following order was passed:-

" 1. Mr. Vijay Kumar, Advocate has filed Vakalatnama on behalf of opposite party No.2, is taken on record.

2. Heard Ms. Neha Tyagi, learned counsel for the applicants, Mr. Vijay Kumar, learned counsel for the opposite party no.2 and learned AGA for the State.

3. The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 24.5.2018 and cognizance/summoning order dated 21.08.2020 as well as bailable warrant order dated 09.01.2024 passed in Crl. Case No. 7869 of 2020 (New Case No. 13252 of 2023) arising out of Case Crime No. 200 of 2018 under Sections 498A, 323, 504, 506, 354 IPC and Section 3/4 D.P. Act, P.S. Transport Nagar, District Meerut on the basis of compromise dated 29.07.2024.

4. Learned counsel for the applicants submits that the parties have amicably settled their dispute and a compromise has been entered into between the parties. In this regard, a compromise affidavit of both the parties has been filed before the court concerned, copy of the same has been annexed as Annexure No.4 of this application. Therefore, continuance of proceedings against the applicants would 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.

5. 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.

6. 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.

7. 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 two weeks 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, as expeditiously

as possible, preferably within a period of one month 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?

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

9. Put up this case on 05.12.2024, as fresh, at 02:00 p.m., showing the name of Mr. Vijay Kumar in the cause list as counsel for opposite party no.2.

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

4. In compliance of the aforesaid order dated 06.11.2024, a letter of the concerned Court of Incharge Additional Chief Judicial Magistrate, Room No.02, Meerut dated 04.12.2024 has been placed on record along with order dated 04.12.2024 as is evident from office report dated 31.01.2025. Order dated 04.12.2024 shows that the aforesaid compromise has been verified in the presence of 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 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 charge sheet dated 24.05.2018 along with Cognizance/Summoning order dated 21.08.2020 under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 D.P. Act against the applicant nos.1 and 3 and under Sections 498-A, 323, 504, 506, 354 I.P.C. and Section 3/4 D.P. Act against the applicant no.2 as well as Bailable Warrant dated 09.01.2024 passed by the Additional Chief Judicial Magistrate-II, Meerut in Case No.7869 of 2020 (New Case No.13252/23), arising out of Case Crime No.200/2018, under Sections 498-A, 323, 504, 506, 354 I.P.C. and Section 3/4 D.P. Act, Police Station- Transport Nagar, District- Meerut and the entire criminal proceeding of Case No.7869 of 2020 (New Case No.13252/2023), arising out of Case Crime No.200/2018, under Sections 498-A, 323, 504, 506, 354 I.P.C. and Section 3/4 D.P. Act, Police Station- Transport Nagar, District- Meerut, on the basis of compromise, are hereby quashed.

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

Order Date :- 3.3.2025 Kalp Nath Singh