

# **Gourav And 3 Others vs State Of U.P. And Another on 1 May, 2025**

**Author: Manju Rani Chauhan**

**Bench: Manju Rani Chauhan**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:69269

Court No. - 52

Case :- APPLICATION U/S 482 No. - 17608 of 2023

Applicant :- Gourav And 3 Others

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

Counsel for Applicant :- Sunil Kumar Tiwari

Counsel for Opposite Party :- Abhishek Tiwari,G.A.

Hon'ble Mrs. Manju Rani Chauhan,J.

Learned counsel for the applicants has filed supplementary affidavit in the Court today, which is taken on record.

Heard Mr. Sunil Kumar Tiwari, learned counsel for the applicants, Mr. Abhishek Tiwari, learned counsel for opposite party no.2, as well as Mr. Deepak Kapoor, learned A.G.A. for the State and perused the record.

The present application under Section 482 has been filed with the prayer to quash the entire criminal proceeding of Criminal Case No.761 of 2023, arising out of Case Crime No.0359 of 2022,

under Sections 147, 323, 325, 427, 504 I.P.C. and Sections 3(2)(5) & 3(1)(dha) SC/ST Act, Police Station- Parikshitgarh, District- Meerut, pending before the court of learned Special Judge SC/ST Act, Meerut, on the basis of compromise dated 28.04.2023.

On 11.05.2023, the following order was passed:-

- " 1. List revised.
2. A short-counter affidavit along with Vakalatnama filed by Sri Abhishek Tiwari, Advocate on behalf of the opposite party no.2 is taken on record.
3. Heard Sri Sunil Kumar Tiwari, learned counsel for the applicants, Sri Abhishek Tiwari, learned counsel for the opposite party no.2 and Sri Raj Kumar Gupta, learned State counsel and perused the record.
4. The present application has been filed by the applicants- Gourav, Praveen, Abhishek and Ankit with the prayer to quash the entire proceeding of Criminal Case No. 761 of 2023 arising out of Case Crime No. 0359 of 2022, under Sections 147, 323, 325, 427, 504 I.P.C. and 3(2)(5) and 3 (1)(Dha) SC/ST Act, Police Station Parikhitgarh, District Meerut pending before the court of learned Special Judge (SC/ST Act), Meerut with a further prayer that proceedings of the aforesaid case be stayed against the applicants during the pendency of the present application.
5. Learned counsel for the applicants argued that the parties have entered into compromise which is dated 28.04.2023, copy of the said compromise is annexed as Annexure no.3 to the affidavit in support of present 482 Cr.P.C. application. It is argued that as such the present proceedings be quashed.
6. Looking to the facts of the case, it is provided that the applicants shall file the said compromise within a period of two weeks from today before the court concerned who shall verify the same within three weeks thereafter and send his report to this Court.
7. List on 07th July, 2023.
8. Till the next date of listing, no coercive action shall be taken against the applicants in the aforesaid case."

In compliance of the aforesaid order dated 11.05.2023, a letter of the concerned Court of learned Special Judge (S.C./S.T. Act), Meerut dated 20.05.2023 has been placed on record along with order dated 20.05.2023 as is evident from office report dated 07.10.2023. Order dated 20.05.2023 shows that the aforesaid compromise has been verified in the presence of the parties.

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. He also submits that the compensation as received by the opposite party no.2, has also been returned as is evident from page no.7 of the supplementary affidavit filed in the Court today.

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.

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, 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.

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.

Accordingly, the entire proceeding of Criminal Case No.761 of 2023, arising out of Case Crime No.0359 of 2022, under Sections 147, 323, 325, 427, 504 I.P.C. and Sections 3(2)(5) & 3(1)(dha) SC/ST Act, Police Station- Parikshitgarh, District- Meerut, pending before the court of learned Special Judge SC/ST Act, Meerut, on the basis of compromise, are hereby quashed.

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

A copy of this order be sent to the lower court forthwith.

Order Date :- 1.5.2025 Kalp Nath Singh