

Abhimanyu And Another 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:15727

Court No. - 52

Case :- APPLICATION U/S 482 No. - 23867 of 2024

Applicant :- Abhimanyu And Another

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

Counsel for Applicant :- Ajay Kumar Mishra

Counsel for Opposite Party :- G.A.,Rohit Kumar Dwivedi

Hon'ble Mrs. Manju Rani Chauhan,J.

1. Heard Mr. Ajay Kumar Mishra, learned counsel for the applicants, Mr. Rohit Kumar Dwivedi, learned counsel for opposite party no.2 as well as 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 criminal proceedings, including cognizance/summoning order dated 07.01.2023, the charge sheet dated 01.12.2022, of Case No. 23 of 2023 (State Vs. Abhimanyu and others), arising out of Case Crime No.290 of 2022, under Sections 498A, 323, 506, 427 IPC and Section 3/4 D.P. Act, P.S.- Bhojpur, District- Ghaziabad, pending in the court of Additional Civil Judge (J.D.)/Judicial

Magistrate, Court No.3, Ghaziabad, on the basis of compromise.

3. On 02.08.2024 the following order was passed:-

"1. Heard learned counsel for the applicants and learned AGA for the State.

2. This application under Section 482 Cr.P.C. has been filed for quashing of the entire criminal proceedings, including cognizance/summoning order dated 07.01.2023, the charge sheet dated 01.12.2022, of Case No. 23 of 2023 (State Vs. Abhimanyu and others), arising out of Case Crime No.290 of 2022, under Sections 498A, 323, 506, 427 IPC and Section 3/4 D.P. Act, P.S.- Bhojpur, District- Ghaziabad, pending in the court of Additional Civil Judge (J.D.)/Judicial Magistrate, Court No.3, Ghaziabad.

3. It has been submitted by learned counsel for the applicants that matter relates to matrimonial dispute and both the parties have amicably settled the dispute and compromised the matter, hence, the impugned proceedings may be quashed on the basis of compromise.

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

5. In view of the aforesaid it is directed that in case the parties appear before the trial Court and file an appropriate application for compromise within a period of two weeks from today, the same shall be verified by the court concerned in accordance with law and if the said compromise is verified, the same shall be made part of the record and report to that effect will be prepared and the parties would be allowed to obtain certified copy thereof and file the same before this Court by the next date.

6. List this case on 09.09.2024.

7. It is directed that till the next date of listing, no coercive action would be taken against the applicants in the aforesaid case."

4. In compliance of the order dated 02.08.2024, compromise verification report is placed on record as is evident from office report dated 04.02.2025. The letter of Civil Judge Junior Division/ Judicial Magistrate, Fast Track Court, Ghaziabad dated 16.08.2024 has been placed on record along with order dated 16.08.2024 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 counsel for opposite party no.2 and 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 criminal proceedings, including cognizance/summoning order dated 07.01.2023, the charge sheet dated 01.12.2022, of Case No. 23 of 2023 (State Vs. Abhimanyu and others), arising out of Case Crime No.290 of 2022, under Sections 498A, 323, 506, 427 IPC and Section 3/4 D.P. Act, P.S.- Bhojpur, District- Ghaziabad, pending in the court of Additional Civil Judge (J.D.)/Judicial Magistrate, Court No.3, Ghaziabad, 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