

# **Javed And 3 Others vs State Of U.P. And 2 Others on 3 March, 2025**

**Author: Manju Rani Chauhan**

**Bench: Manju Rani Chauhan**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:29857

Court No. - 52

Case :- APPLICATION U/S 482 No. - 44572 of 2024

Applicant :- Javed And 3 Others

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- J.B. Singh

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

Hon'ble Mrs. Manju Rani Chauhan,J.

1. Learned counsel for the applicants has filed supplementary affidavit in the Court today which is taken on record. Office is directed to register the same.
2. Heard Mr. J.B. Singh, learned counsel for the applicants, Mr. Manoj Singh, learned counsel for the opposite party no.2 as well as Ms. Kirti Singh, learned counsel for the State.
3. This application u/s 482 has been filed by the applicants with the prayer to quash the impugned charge sheet dated 11.10.2011 along with the entire proceeding of Case No.659 of 2015 (State vs. Abdul Kayyum & Others), arising out of Case Crime No.175 of 2011, under Section 406 I.P.C. and

Section 3/4 D.P. Act, Police Station- Kotwali, District- Meerut, pending before Additional Chief Judicial Magistrate 4th, Meerut, on the basis of compromise.

4. On 31.01.2025, the following order was passed:-

"1. Heard Sri J.B. Singh, learned counsel for the applicants, learned AGA for the State, learned counsel for opposite party no. 2 and perused the record.

2. The present 482 Cr.P.C. application has been filed by the applicants to quash entire proceedings of Case No. 659 of 2015 (State v. Abdul Kayyum & others), arising out of Case Crime No. 175 of 2011, under Section 406 IPC and 3/4 Dowry Prohibition Act, Police Station Kotwali, District Meerut, as well as charge sheet dated 11.10.2011, on the basis of compromise dated 03.04.2024.

3. Learned counsel for the applicants submits that the parties have amicably settled their dispute and to that effect compromise deed has been filed. Copy of said compromise deed has been annexed as Annexure no. 8 to the affidavit, therefore, continuance of proceedings against the applicants would be 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 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, parties are directed to appear before the court below along with copy of compromise deed and certified copy of this order. 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 four weeks from today. While passing the order verifying the compromise, the concerned court shall also record the statements 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. 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.

8. Put up this case on 03.03.2025, as fresh.

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

5. In compliance of the aforesaid order dated 31.01.2025, the concerned Court of Additional Chief Judicial Magistrate, Court No.4, Meerut has verified the compromise vide order dated 18.02.2025. Certified copy of the aforesaid compromise verification order dated 18.02.2025 has been annexed on page no.24 of the supplementary affidavit filed today by learned counsel for the applicants and the same goes to show that the compromise has been verified in the presence of both the parties and their respective counsels.

6. 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.

7. 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.

8. 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,

9. 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.

10. 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.

11. Accordingly, the entire proceeding of Case No.659 of 2015 (State vs. Abdul Kayyum & Others), arising out of Case Crime No.175 of 2011, under Section 406 I.P.C. and Section 3/4 D.P. Act, Police Station- Kotwali, District- Meerut, pending before Additional Chief Judicial Magistrate 4th, Meerut, on the basis of compromise, are hereby quashed.

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

Order Date :- 3.3.2025 Kalp Nath Singh