

Rahul Gupta And 2 Others 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:16797

Court No. - 52

Case :- APPLICATION U/S 482 No. - 2486 of 2025

Applicant :- Rahul Gupta And 2 Others

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

Counsel for Applicant :- Anwar Hussain

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Manju Rani Chauhan,J.

1. Heard Anwar Hussain, learned counsel for the applicants and 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. 2876 of 2019 (State vs. Rahul Gupta and others), arising out of Case Crime No. 294 of 2019, under Sections 498A, 323, 504, 506 I.P.C. and section 3/4 Dowry Prohibition Act, P.S. Firozabad South, District-Firozabad, pending in the court of Chief Judicial Magistrate, Firozabad as well as chargesheet dated 27.11.2019 and cognizance/summoning order dated 19.12.2019.

3. Earlier on 14.11.2024, the following order was passed in Application U/s 482 Cr.P.C. No. 36198 of 2024:-

"Heard Mr. Anwar Hussain, learned counsel for the applicants and learned A.G.A. for the State.

The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 27.11.2019 and cognizance/summoning order dated 19.12.2019 as well as the entire proceedings of Criminal Case No. 2876 of 2019 (State vs. Rahul Gupta and Others) arising out of Case Crime No. 294 of 2019, under Sections 498-A, 323, 504, 506 IPC and Section 3/4 Dowry Prohibition Act, Police Station-Firozabad South, District-Firozabad, pending in the court of Chief Judicial Magistrate, Firozabad, on the basis of compromise.

Learned counsel for the applicants submits that the parties have reconciled their differences and a compromise has been entered between them after which they have decided to live separately. In this regard, an application along with compromise deed on behalf of both the parties has been filed before the court below stating therein that they have entered into compromise and they do not want to press the case, copy of said application has been annexed as Annexure no. 6 to this application. Therefore, no useful purpose would be served in continuing the proceedings before the court below and the same is not only sheer wastage of time of the Court but also abuse of the process of law.

Learned AGA, however, submits that it is the concerned court below, which has to verify the fact as to whether the parties have entered into compromise, hence the applicants may approach the concerned court below and move an application with respect to compromise between the parties, which will be decided in accordance with law.

In view of the above, both the parties are directed to appear before the court below along with an application for verification of the compromise deed as well as a 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 two months 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?

The court in that scenario will allow the parties to obtain certified copy of the order verifying the compromise deed and it will be open to the applicants to approach this Court again for quashing of the proceedings.

Till verification of compromise between the parties by the court concerned, no coercive action shall be taken against the applicants in the aforesaid case.

With the aforesaid directions, this application is finally disposed of."

4. In compliance of the order dated 14.11.2024, compromise verification report dated 9.12.2024 is placed on record as is evident from page no. 66 (Annexure-9) of the application 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. 2876 of 2019 (State vs. Rahul Gupta and others), arising out of Case Crime No. 294 of 2019, under Sections 498A, 323, 504, 506 I.P.C. and

section 3/4 Dowry Prohibition Act, P.S. Firozabad South, District-Firozabad, pending in the court of Chief Judicial Magistrate, Firozabad, 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 Faridul