

Punit Kashyap 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:15687

Court No. - 52

Case :- APPLICATION U/S 482 No. - 15486 of 2024

Applicant :- Punit Kashyap And 2 Others

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Deepak Upadhyay,Rajesh Kumar Singh

Counsel for Opposite Party :- G.A.,Satish Chandra Mishra,Siddharth Shankar

Hon'ble Mrs. Manju Rani Chauhan,J.

1. Supplementary affidavit on behalf of the applicants filed today, is taken on record. Office is directed to register the same.
2. Heard Mr. Deepak Upadhyay, learned counsel for the applicants, Mr. Satish Chandra Mishra, learned counsel for opposite party no.2 as well as learned A.G.A. for the State and perused the records.
3. This application u/s 482 has been filed by the applicant with the prayer to quash the entire proceedings of Case No. 53361/2023 (State Vs. Punit Kashyap and others), arising out of Case Crime

No. 146/2022, under Sections 498A, 323, 506 I.P.C. and Section 3/4 D.P. Act, P.S.- Mahila Thana, District- Ghaziabad, pending in the court of Civil Judge (Senior Division)/F.T.C.-4, Ghaziabad, on the basis of compromise.

4. On 05.08.2024, the following order was passed in the matter:-

"1. Sri Satish Chandra Mishra, Advocate has filed Vakalatnama on behalf of opposite party no.2, which is taken on record.

2. Learned counsel for the applicants, learned counsel for opposite party no.2 and learned AGA for the State are present.

3. This application under Section 482 Cr.P.C. has been filed for quashing of the proceedings of Case No. 53361/2023 (State Vs. Punit Kashyap and others), arising out of Case Crime No. 146/2022, under Sections 498A, 323, 506 I.P.C. and Section 3/4 D.P. Act, P.S.- Mahila Thana, District- Ghaziabad, pending in the court of Civil Judge (Senior Division)/F.T.C.-4, Ghaziabad, in terms of the compromise.

4. It is submitted that on account of intervention of their well-wishers, a compromise has been arrived at between the parties. The said compromise has already been filed before the court concerned. It is further contended that proceedings of the aforesaid case may be quashed on the basis of compromise arrived at between the parties.

5. 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.

6. Learned counsel for the parties undertake to ensure the presence of the parties before the court below or any other transferee court, as the case may be, on the next date fixed and thereafter the court concerned, shall ascertain the veracity of the compromise. 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.

7. Parties are also directed to produce certified copy of this order before the court concerned on the date fixed before it.

7. List this case on 09.09.2024.

8. Till the next date of listing, no coercive action would be taken against the applicants in the aforesaid case."

5. In compliance of the aforesaid order compromise has been verified by the Court of Civil Judge (Jr. Div.) Judicial Magistrate, F.T.C-I, Ghaziabad vide order dated 03.01.2025, certified copy of the

same has been annexed as annexure No.SA-1 to the supplementary affidavit filed today.

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 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.

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 proceedings of Case No. 53361/2023 (State Vs. Punit Kashyap and others), arising out of Case Crime No. 146/2022, under Sections 498A, 323, 506 I.P.C. and Section 3/4 D.P. Act, P.S.- Mahila Thana, District- Ghaziabad, pending in the court of Civil Judge (Senior Division)/F.T.C.-4, Ghaziabad, are hereby quashed.

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

Order Date :- 4.2.2025 Abhishek Singh