

Mohit Kumar Pokhriyal And 4 Others vs State Of U.P. And 2 Others on 3 March, 2025

Author: Mahesh Chandra Tripathi

Bench: Mahesh Chandra Tripathi

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:29928-DB

Court No. - 42

Case :- CRIMINAL MISC. WRIT PETITION No. - 19045 of 2022

Petitioner :- Mohit Kumar Pokhriyal And 4 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Bhuvnesh Kumar Singh, Hariom Mishra

Counsel for Respondent :- Devdeep Malviya, G.A., Vinay Kumar

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioners and learned A.G.A. appearing for the State respondents.
2. By means of the present writ petition under Article 226 of the Constitution of India, petitioner is assailing the legal validity of First Information Report dated 27.09.2022 registered as Case Crime No.848 of 2022, under Sections 498-A, 323 IPC and 3/4 D.P. Act, P.S. Civil Lines, District-Moradabad.

3. The matter was entertained on 12.12.2022 and the Court has referred the matter to the mediation and reconciliation, as the matter relates to matrimonial dispute, and as per the report submitted by the Registrar AHCMCC dated 19.03.2023 the Mediation Completed with No agreement.

4. Learned counsel for the petitioner submits that inspite of notice given to the counsel for the informant, he has not turned up. He submits that in the proceeding under Section 125 Cr.P.C. before the District Judiciary, the matter was referred to the Mediation Cente, Moradabad District Court, wherein, a settlement deed has been executed between the parties on 18.07.2023, which is appended as Annexure No.SA-1 to the Supplementary Affidavit. He states that in response thereof, Rs.7 lacs has already been paid to the victim (wife of petitioner no.1) through a Bank Draft No.076613 and jointly they have filed the divorce petition under Section 13-B of Hindu Marriage Act, which was filed as Marriage Petition No.885 of 2023. He submits that the remaining amount would be paid to the victim as per the terms and conditions of the compromise. He further states that since the parties have already settled the matter, the instant First Information Report is liable to be quashed.

6. It is submitted that this being an offshoot of a dispute, same has come to be amicably resolved under the compromise dated 18.07.2023, pending proceedings would serve no purpose and the same are liable to be quashed in the light of the judgements of the Hon'ble the Apex Court in the case of B.S. Joshi v. State of Haryana and others, 2003(4) SCC 675 and Gian Singh v. State of Punjab, 2012(10) SCC 303. Reliance has also been placed on the judgment of Division Bench of this Court dated 16.9.2022 in Criminal Misc. Writ Petition No.8510 of 2022 (Anuj Pandey v. State of U.P. & Ors.) wherein it is observed that the High Court has ample power under its inherent jurisdiction to quash the first information report in which the parties have settled their disputes which are of private in nature and have no any grave impact on the society. The time of courts as well as investigating agencies are very precious which should not be wasted in any futile proceedings where the chance of conviction is bleak.

7. Hon'ble the Apex Court in the case of Gian Singh (supra) has held in para-61 that;

"the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences Under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise

between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil favour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

8. The present dispute was a matrimonial dispute. Neither it is involving any moral turpitude nor is heinous in nature. Since the dispute between the parties have already been settled amicably vide compromise dated 18.07.2023, pending proceedings would serve no purpose and the same are liable to be quashed in the light of the aforesaid judgments.

9. The writ petition is allowed and the proceedings of First Information Report dated 27.09.2022 registered as Case Crime No.848 of 2022, under Sections 498-A, 323 IPC and 3/4 D.P. Act, P.S. Civil Lines, District- Moradabad are quashed.

(Prashant Kumar,J.) (Mahesh Chandra Tripathi,J.) Order Date :- 3.3.2025 A. Pandey