

Firoz Alam And 5 Others vs State Of U.P. And Another on 31 January, 2025

Author: Manju Rani Chauhan

Bench: Manju Rani Chauhan

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:14258

Court No. - 52

Case :- APPLICATION U/S 482 No. - 30873 of 2024

Applicant :- Firoz Alam And 5 Others

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

Counsel for Applicant :- Alfiya Bano, Sayeed Saif Ullah, Sufia Saba

Counsel for Opposite Party :- G.A.

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. Sayeed Saif Ullah, learned counsel for the applicants and Mr. Amit Singh Chauhan, learned counsel for the State.

3. This application u/s 482 has been filed by the applicant with the prayer to quash the charge sheet dated 19.05.2023 as well as cognizance order dated 26.09.2023 passed by Civil Judge (J.D.)/F.T.C., Saharanpur and the entire proceeding of Criminal Case No.6740 of 2023 (State Vs. Firoz Alam &

others), arising out of Case Crime No.053 of 2023, under Sections 498-A, 323, 504, 506 IPC, and Section 3/4 DP Act and Section 3/4 Muslim Women (Protection of Rights on Marriage) Act, I.P.C., Police Station-Kutubsher, District-Saharanpur, pending in the Court of Civil Judge (J.D.)/F.T.C., Saharanpur, on the basis of compromise.

4. On 21.10.2024, the following order was passed in the matter:-

"1. Heard Ms. Sufia Saba, learned counsel for the applicants and Mr. Shashikant Rai, learned A.G.A. appearing for the State and perused the record.

2. The application under Section 482 Cr.P.C. is filed with the prayer to quash the charge sheet dated 19.05.2023 as well as cognizance order dated 26.09.2023 passed by Civil Judge (J.D.)/F.T.C., Saharanpur and the entire proceeding of Criminal Case No.6740 of 2023 (State Vs. Firoz Alam & others), arising out of Case Crime No.053 of 2023, under Sections 498-A, 323, 504, 506 IPC, and Section 3/4 DP Act and Section 3/4 Muslim Women (Protection of Rights on Marriage) Act, I.P.C., Police Station-Kutubsher, District-Saharanpur, pending in the Court of Civil Judge (J.D.)/F.T.C., Saharanpur, on the basis of compromise.

3. Learned counsel for the applicants submits that the parties have reconciled their differences and a compromise has been entered between them out of Court. In this regard, an affidavit on behalf of both the parties has been moved before the Court concerned mentioning therein that they have entered into compromise and they do not want to press the case. 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. 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 A.G.A., 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 parties 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.

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, both the parties are directed to appear before the court below along with a certified copy of this order within two weeks from today and be permitted to file a proper compromise deed. 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,

after hearing the informant, 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.

7. Upon due verification of compromise, the Court below may pass appropriate order in that regard and send a report to this Court.

8. Put up this case on 19.11.2024, 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 compromise has been verified by the Court of Additional Civil Judge (Jr. Div.)/ VI J.M., Saharanpur vide order dated 13.12.2024, 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 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 proceeding of Criminal Case No.6740 of 2023 (State Vs. Firoz Alam & others), arising out of Case Crime No.053 of 2023, under Sections 498-A, 323, 504, 506 IPC, and Section 3/4 DP Act and Section 3/4 Muslim Women (Protection of Rights on Marriage) Act, I.P.C., Police Station-Kutubsher, District-Saharanpur, pending in the Court of Civil Judge (J.D.)/F.T.C., Saharanpur including the charge sheet dated 19.05.2023 as well as cognizance order dated 26.09.2023 passed by Civil Judge (J.D.)/F.T.C., Saharanpur, on the basis of compromise, are hereby quashed.

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

Order Date :- 31.1.2025 Abhishek Singh