

Vaibhav Dwivedi @ Golu 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:15732

Court No. - 52

Case :- APPLICATION U/S 482 No. - 3069 of 2025

Applicant :- Vaibhav Dwivedi @ Golu And 2 Others

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

Counsel for Applicant :- Naveen Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Manju Rani Chauhan, J.

1. Mr. Shivakant Awasthi, Advocate has filed his Vakalatnama on behalf of opposite party no.2 today in the Court, which is taken on record. Office is directed to register the same.
2. Heard Mr. Naveen Tiwari, learned counsel for the applicants, 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 proceeding of Case No.144262/2023 (State vs. Vaibhav @ Golu and Others), in Case Crime No.849/2022, under Sections 498A, 323, 504, 506, 354 I.P.C. and Section 3/4 D.P. Act, Police

Station- Naubasta, District- Kanpur Nagar, pending in the court of Special C.J.M., Kanpur Nagar on the basis of compromise.

4. Earlier Application U/S 482 No. 35296 of 2024 was filed, wherein on 5.11.2024 the following order was passed:-

"1. Heard Mr. Shivakant, learned counsel for the applicant as well as learned A.G.A. for the State and perused the record.

2. The present 482 Cr.P.C. application has been filed to quash the entire proceeding of Case No.144262/2023 (State vs. Vaibhav @ Golu and Others), in Case Crime No.849/2022, under Sections 498A, 323, 504, 506, 354 I.P.C. and Section 3/4 D.P. Act, Police Station- Naubasta, District- Kanpur Nagar, on the basis of compromise.

3. Learned counsel for the applicant submits that the parties have reconciled their differences and a compromise has been entered between them. 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.4 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.

4. 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 applicant 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. 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 within two weeks from today. 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 statement of the parties as to whether all the terms and conditions mentioned in the original compromise deed, so filed, have been fulfilled or not?

6. 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 applicant to approach this Court again for quashing of the proceedings.

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

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

5. In compliance of the aforesaid order compromise has been verified by the Court of Special Chief Judicial Magistrate, Kanpur Nagar vide order dated 19.11.2024, certified copy of the same has been annexed as annexure No.6 of the application.

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.144262/2023 (State vs. Vaibhav @ Golu and Others), in Case Crime No.849/2022, under Sections 498A, 323, 504, 506, 354 I.P.C. and Section 3/4 D.P. Act,

Police Station- Naubasta, District- Kanpur Nagar, pending in the court of Special C.J.M., Kanpur Nagar, on the basis of compromise, are hereby quashed.

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

Order Date :- 4.2.2025 Abhishek Singh