

# **Waseem And 7 Others vs State Of U.P. And 2 Others on 1 May, 2025**

**Author: Manju Rani Chauhan**

**Bench: Manju Rani Chauhan**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:68711

Court No. - 52

Case :- APPLICATION U/S 528 BNSS No. - 5326 of 2025

Applicant :- Waseem And 7 Others

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Mohd Faiz

Counsel for Opposite Party :- G.A.,Mohammad Abid Ali

Hon'ble Mrs. Manju Rani Chauhan,J.

1. Heard Mr. Mohd Faiz, learned counsel for the applicants, Mr. Mohammad Abid Ali, learned counsel for the opposite party no.2 and Mr. Satendra Tiwari, learned A.G.A. for the State.

2. The instant application has been filed to quash the charge sheet order dated 18.08.2024 and cognizance/summoning order dated 24.09.2024 as well as the entire proceedings of Criminal Case No.3907 of 2024 (State vs. Waseem and others), arising out of Case Crime No.172 of 2024, under Sections 366, 376 IPC against applicant no.1 and Sections 323, 504, 506 IPC against the applicant no.2, P.S.-Kotwali Nagar, District-Aligarh, pending in the court of Additional Chief Judicial Magistrate, Court No.1, Aligarh on the basis of compromise.

3. On 02.04.2025, the following order was passed:-

"1. Heard Mr. Mohd Faiz, learned counsel for the applicants, Mr. Mohammad Abid Ali, learned counsel for the opposite party no.2 and Mr. Mayank Awasthi, learned counsel for the State.

2. The present 482 Cr.P.C. application has been filed to quash the charge sheet order dated 18.08.2024 and cognizance/summoning order dated 24.09.2024 as well as the entire proceedings of Criminal Case No.3907 of 2024 (State vs. Waseem and others), arising out of Case Crime No.172 of 2024, under Sections 366, 376 IPC against applicant no.1 and Sections 323, 504, 506 IPC against the applicant no.2, P.S.-Kotwali Nagar, District-Aligarh, pending in the court of Additional Chief Judicial Magistrate, Court No.1, Aligarh on the basis of compromise.

3. Learned counsel for the applicants submits that initially the FIR was lodged on 24.06.2024 by the informant against the applicant no.1, under Sections 363, 366 IPC with the allegation that the informant's sister was enticed away by the applicant no.1. Later, the parties have amicably settled their dispute and a compromise has been entered into between the parties as the applicant no.1 has married sister of the informant and they are living together. Now, she is on family way. In this regard, a compromise deed has been filed before the court concerned, copy of the same has been annexed as Annexure No.10 of this application. Therefore, continuance of proceedings against the applicants would futile exercise and wastage of time of the Court and will be abuse of 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 AGA as well as learned counsel for opposite party no.2 also does not dispute the correctness of the submissions made by the learned counsel for the applicants.

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 copy of 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 one month 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?

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 01.05.2025, as fresh.

9. Till then, no coercive measure shall be taken against the applicants in the aforesaid case."

4. In compliance of the aforesaid order dated 02.04.2025, compromise verification report received from Additional Chief Judicial Magistrate, Court No.1, Aligarh, has been placed on record as is evident from office report dated 30.04.2025. The letter of A.C.J.M., Court No.1, Aligarh, dated 11.04.2025 has been placed on record along with verification order dated 11.04.2025 vide which compromise has been verified between the parties.

5. 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.

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, proceedings of charge sheet dated 18.08.2024, cognizance/summoning order dated 24.09.2024 and Criminal Case No.3907 of 2024 (State vs. Waseem and others), arising out of Case Crime No.172 of 2024, under Sections 366, 376 IPC against applicant no.1 and Sections 323, 504, 506 IPC against the applicant no.2, P.S.-Kotwali Nagar, District-Aligarh, pending in the court of Additional Chief Judicial Magistrate, Court No.1, Aligarh on the basis of compromise, are hereby quashed.

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

Order Date :- 1.5.2025/Rahul.