

Mohd Mokarram And 5 Others vs State Of U.P. And Another on 28 February, 2025

Author: Manju Rani Chauhan

Bench: Manju Rani Chauhan

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:29007

Court No. - 52

Case :- APPLICATION U/S 482 No. - 24773 of 2024

Applicant :- Mohd Mokarram And 5 Others

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

Counsel for Applicant :- Amit Kumar Tripathi, Faizan Siddiqui

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Manju Rani Chauhan, J.

1. Supplementary affidavit filed on behalf of applicants in the Court today is taken on record.
2. Heard Mr. Faizan Siddiqui, 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 applicants with the prayer for quashing of the entire proceedings of Case Crime No. 346 of 2021, under sections 498A, 323, 506 I.P.C., section 3/4 Dowry Prohibition Act and section 3/4 Muslim Women (Protection of Right on Marriage) Act, P.S. Kotwali Mandi, District-Saharanpur, pending in the court of ACJ (J.D.)-IV, Saharanpur, as well as

chargesheet dated 12.9.2021, on the basis of compromise.

4. On 27.8.2024, the following order was passed:-

"1. Heard learned counsel for the applicants and learned AGA for the State.

2. This application under Section 482 Cr.P.C. has been filed for quashing of the entire criminal proceedings, including charge-sheet dated 12.09.2021 arising out of Case Crime No. 346 of 2021, under Sections 498A, 323, 506 IPC and Section 3/4 D.P. Act read with Section 3/4 Muslim Women (Protection of Right on Marriage) Act, P.S.- Kotwali Mandi, District- Saharanpur, pending in the court of ACJ (JD) IVth Saharanpur.

3. It has been submitted by learned counsel for the applicants that matter relates to matrimonial dispute and both the parties have amicably settled the dispute and compromised the matter, hence, the impugned proceedings may be quashed on the basis of compromise.

4. 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.

5. In view of the aforesaid it is directed that in case the parties appear before the trial Court and file an appropriate application for compromise within a period of two weeks from today, the same shall be verified by the court concerned in accordance with law and 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.

6. List this case on 01.10.2024.

7. It is directed that 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 dated 27.08.2024, the compromise between the parties has been verified by order dated 10.9.2024 passed by Additional Civil Judge (J.D.)-IV / Judicial Magistrate, Saharanpur in the presence of the parties along with their respective Advocates. Certified copy of the order is placed at page no. 20 of the supplementary affidavit.

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 as well as learned counsel for the opposite party 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 Crime No. 346 of 2021, under sections 498A, 323, 506 I.P.C., section 3/4 Dowry Prohibition Act and section 3/4 Muslim Women (Protection of Right on Marriage) Act, P.S. Kotwali Mandi, District-Saharanpur, pending in the court of ACJ (J.D.)-IV, Saharanpur, as well as chargesheet dated 12.9.2021, on the basis of compromise, are hereby quashed.

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

Order Date :- 28.2.2025 Faridul