

Gaurav Darbari And Another 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:14341

Court No. - 52

Case :- APPLICATION U/S 482 No. - 42361 of 2023

Applicant :- Gaurav Darbari And Another

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

Counsel for Applicant :- Ajay Kumar Pandey, Sr. Advocate

Counsel for Opposite Party :- Abdul Mazeed, G.A.

Hon'ble Mrs. Manju Rani Chauhan, J.

1. Supplementary affidavit filed by learned counsel for the applicants in Court today, is taken on record. Office is directed to register the same.
2. Heard Mr. Ajay Kumar Pandey, learned counsel for the applicants, Mr. Bharat Singh, learned counsel for the opposite party no.2 and Mr. Deepak Kapoor, learned A.G.A. for the State.
3. The present application has been filed for quashing of the proceedings, including charge-sheet dated 24.12.2022 as well as cognizance/summoning order dated 06.02.2023, of Criminal Case No. 58 of 2023 (State of U.P. Vs. Vaibhav Darbari and others) arising out of Case Crime No. 579 of 2022,

under Sections 420, 498-A, 323, 406 I.P.C. and Section 3/4 D.P. Act, P.S.- Colonelganj, District- Prayagraj, pending in the court of A.C.J.(J.D.), Court No.21, Allahabad, in terms of the compromise.

4. On 17.10.2024, the following order was passed:-

"In the connected matter of Vaibhav Darbari (husband), this Court vide order dated 02.09.2024 has granted interim protection sending the matter to the court concerned for verification of compromise entered into between the parties. The order dated 02.09.2024 is quoted herein below:

"1. Learned counsel for the applicant and learned AGA for the State are present.

2. This application under Section 482 Cr.P.C. has been filed for quashing of the proceedings, including charge-sheet dated 24.12.2022 as well as cognizance/summoning order dated 06.02.2023, of Criminal Case No. 58 of 2023 (State of U.P. Vs. Vaibhav Darbari and others) arising out of Case Crime No. 579 of 2022, under Sections 420, 498-A, 323, 406 I.P.C. and Section 3/4 D.P. Act, P.S.- Colonelganj, District- Prayagraj, pending in the court of A.C.J.(J.D.), Court No.21, Allahabad, in terms of the compromise.

3. It is submitted that on account of intervention of their well-wishers, a compromise has been arrived at between the parties. The said compromise has already been filed before the court concerned. It is submitted that proceedings of the aforesaid case may be quashed on the basis of compromise arrived at between the parties.

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. Learned counsel for the parties undertake to ensure the presence of the parties before the court below or any other transferee court, as the case may be, on the next date fixed and thereafter the court concerned, shall ascertain the veracity of the compromise. 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. Parties are directed to produce certified copy of this order before the court concerned on the date fixed before it.

7. List along with connected Application U/s 482 Cr.P.C. No.42361 of 2023 (Gaurav Darbari and another Vs. State of U.P. and another) on 01.10.2024 as fresh.

8. Till the next date of listing, no coercive action shall be taken against the applicant in the aforesaid case."

The record reveals that the verification report pursuant to the aforesaid order is still awaited.

Learned counsel for the applicants prays that applicants' matter may also be referred for verification of compromise before the court concerned.

In view of the above, with regard to applicants Gaurav Darbari (Jeth) and Somika Saxena (Jethani) also, the parties are directed to appear before the court below along with a copy of compromise deed dated 22.07.2024 and 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 four weeks 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.

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.

Put up this case on 18.11.2024, as fresh, along with compromise verification report. Till then interim order, granted earlier, shall continue."

5. In compliance of the order dated 17.10.2024, compromise between the parties have been verified by the Court below vide order dated 10.01.2025. Certified copy of the verification order has been annexed on page-16 of the supplementary affidavit filed today in Application u/s 482 No.25792 of 2024 (Vaibhav Darbari vs. State of U.P. & Another). Photo-copy of the verification order has been annexed in the supplementary affidavit filed today in the present 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 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.

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, proceedings of charge-sheet dated 24.12.2022, cognizance/summoning order dated 06.02.2023 and Criminal Case No. 58 of 2023 (State of U.P. Vs. Vaibhav Darbari and others) arising out of Case Crime No. 579 of 2022, under Sections 420, 498-A, 323, 406 I.P.C. and Section 3/4 D.P. Act, P.S.- Colonelganj, District- Prayagraj, pending in the court of A.C.J.(J.D.), Court No.21, Allahabad, in terms of the compromise, are hereby quashed.

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

Order Date :- 31.1.2025 Rahul.