

Isha And 4 Others vs State Of U.P. And Another on 3 March, 2025

Author: Manju Rani Chauhan

Bench: Manju Rani Chauhan

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:29926

Court No. - 52

Case :- APPLICATION U/S 528 BNSS No. - 38667 of 2024

Applicant :- Isha And 4 Others

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

Counsel for Applicant :- Ram Kumar Yadav

Counsel for Opposite Party :- Uday Bhan,G.A.

Hon'ble Mrs. Manju Rani Chauhan,J.

1. Heard Sri Ram Kumar Yadav, learned counsel for the applicants, Mr. Mayank Awasthi, learned Brief Holder for the State, and perused the record.

2. This application under Section 482 Cr.P.C. has been filed challenging the order dated 18.05.2022, charge sheet dated 12.12.2019 and entire proceedings of Sessions Trial No. 862 of 2021, State v. Naushad and others, arising out of Case Crime No. 549 of 2019, under Sections 498A, 323, 354, 354(Kha), 307, 506 IPC and 3/4 Dowry Prohibition Act, Police Station Kithaur, District Meerut, pending in the court of Additional District Judge 12th, Meerut.

3. On 23.11.2024, following order was passed:

"1. Heard Mr. Ram Kumar Yadav, learned counsel for the applicants and Mr. Amit Singh Chauhan, learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash the entire proceedings of Sessions Trial No.862 of 2021 (State Vs. Naushan and others), arising out of Case Crime No. 549 of 2019, under Sections 498A, 323, 354, 354(Kha), 307, 506 I.P.C. and 3/4 Dowry Prohibition Act, Police Station Kithaur, District Meerut, pending in the court of learned Additional District Judge 12th, Meerut as well as Charge-sheet dated 12.12.2019, order dated 18.05.2022 passed by learned Additional Chief Judicial Magistrate, Court No.3, Meerut, under Sections 498A, 323, 354, 354 (Kha), 307, 506 I.P.C. and 3/4 Dowry Prohibition Act against applicant nos. 1 to 4 and under Sections 323, 506 I.P.C. and 3/4 Dowry Prohibition Act against applicant no.5 in pursuance of compromise deed dated 18.10.2024.

3. Learned counsel for the applicants submits that the parties have amicably settled their dispute and a compromise has been entered into between the parties and after the aforesaid they have decided to live together. The copy of the said compromise/mutual deed, filed before the court below, is annexed as Annexure No. 7 to this application. Therefore, continuance of proceedings against the applicant;;;s ;;;; would be a 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 within a two week 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, after hearing the informant, 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 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 03.01.2025, 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, compliance verification report dated 11.02.2025 received from the Additional District and Sessions Judge, Court No. 12, Meerut has been placed on record along with the order dated 06.02.2025 vide which compromise has been verified, as is evident from the office report dated 28.02.2025.

5. Learned counsel for the applicants submits that since the compromise entered between the parties has been verified by the court concerned, the entire proceedings of the aforesaid criminal case may be quashed by this Court.

6. Learned counsel appearing for the State states that since the parties have entered into a compromise, he has no objection, if the proceedings in the aforesaid case are quashed.

7. Before proceeding further it shall be apt to make a brief reference to the following cases:-

1. B.S. Joshi and others Vs. State of Haryana and Another; (2003)4 SCC 675;

2. Nikhil Merchant Vs. Central Bureau of Investigation; (2008) 9 SCC 677;

3. Manoj Sharma Vs. State and Others; (2008) 16 SCC 1;

4. Gian Singh Vs. State of Punjab; (2012); 10 SCC 303; and

5. 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, 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 hereinabove, 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, order dated 18.05.2022, charge sheet dated 12.12.2019 and entire proceedings of Sessions Trial No. 862 of 2021, State v. Naushad and others, arising out of Case Crime No. 549 of 2019, under Sections 498A, 323, 354, 354(Kha), 307, 506 IPC and 3/4 Dowry Prohibition Act, Police Station Kithaur, District Meerut, pending in the court of Additional District Judge 12th, Meerut, are hereby quashed.

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

12. A copy of this order be sent to the court concerned forthwith.

Order Date :- 3.3.2025 DS