

Sonu 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:15171

Court No. - 52

Case :- APPLICATION U/S 482 No. - 36435 of 2024

Applicant :- Sonu And 2 Others

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

Counsel for Applicant :- Lalit Kumar Ojha,Pawan Kumar Shukla

Counsel for Opposite Party :- G.A.,Harish Chandra

Hon'ble Mrs. Manju Rani Chauhan,J.

1. Heard Sri Pawan Kumar Shukla, learned counsel for the applicants, Sri Satyendra Tiwari, learned AGA for the State, Sri Pravesh Kumar Yadav, learned Advocate holding brief of Sri Harish Chandra, counsel for opposite party no. 2 and perused the record.

2. This application under Section 482 Cr.P.C. has been filed challenging the proceedings of Criminal Case No. 37969 of 2022, State v. Sonu & others, arising out of Crime No. 20 of 2022, under Sections 498A, 323, 504, 506 IPC and 3/4 Dowry Prohibition Act, Police Station Mahila Thana, District Moradabad, pending in the court of Civil Judge (J.D.)/ F.T.C., Crime Against Women, Moradabad, on the basis of compromise.

3. Earlier, on 02.12.2024 following order was passed:

"1. Heard Mr. Pawan Kumar Shukla, learned counsel for the applicants, Mr. Harish Chandra, learned counsel for the opposite party no.2 and Mr. Amit Singh Chauhan, learned counsel for the State.

2. The present 482 Cr.P.C. application has been filed to quash the cognizance order dated 13.06.2022 as well as entire proceedings of Criminal Case No. 37969 of 2022 (State Vs. Sonu and others), arising out of Case Crime No. 20 of 2022, under Sections 498A, 323, 504, 506 I.P.C. and 3/4 D.P. Act, Police Station Mahila Thana, District Moradabad, pending in the court of Civil Judge (Jr. Div.),/ F.T.C., Crime Against Women, Moradabad in pursuance of compromise deed dated 19.09.2024.

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. He further submits that a case under Section 13 B of the Hindu Marriage Act has also been decided and permanent alimony of Rs.10,50,000/- has been received by opposite party no.2 and the same has been acknowledged by counsel for opposite party no.2. The copy of the said compromise/mutual deed, filed before the court below, is annexed as Annexure No. 6 to this application. Therefore, continuance of proceedings against the applicants 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 06.01.2025, 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, compromise has been verified by order dated 02.01.2025 passed by the Civil Judge (J.D.), FTC, Crime Against Women, Moradabad. A copy of the said order has been brought on record along with the letter of Civil Judge (J.D.), Moradabad dated 03.01.2025, as is evident from the office report dated 01.02.2025.

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 for opposite parties accepts that the parties have entered into a compromise and the copy of the same has also been enclosed alongwith verification order, they have 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, the proceedings of Criminal Case No. 37969 of 2022, State v. Sonu & others, arising out of Crime No. 20 of 2022, under Sections 498A, 323, 504, 506 IPC and 3/4 Dowry Prohibition Act, Police Station Mahila Thana, District Moradabad, pending in the court of Civil Judge (J.D.)/ F.T.C., Crime Against Women, Moradabad, 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 :- 4.2.2025 DS