

Karan Anand And 3 Others vs State Of Up And 2 Others on 2 January, 2025

Author: Mahesh Chandra Tripathi

Bench: Mahesh Chandra Tripathi

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:1720-DB

Court No. - 42

Case :- CRIMINAL MISC. WRIT PETITION No. - 10883 of 2024

Petitioner :- Karan Anand And 3 Others

Respondent :- State Of Up And 2 Others

Counsel for Petitioner :- Raj Kishore Dubey, Shravan Kumar Pandey, Shyam Narain Pandey

Counsel for Respondent :- Abhishek Tripathi, G.A.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Ms. Nand Prabha Shukla, J.

1. Supplementary affidavit filed on behalf of petitioners is taken on record.
2. Heard learned counsel for the petitioners, learned A.G.A. for the State-respondents and Sri Abhishek Tripathi, learned counsel for the opposite party no. 3.
3. This writ petition has been filed praying to quash the first information report dated 8.6.2024 registered as Case Crime No. 239 of 2024, under sections 498A, 313, 323, 504, 506 I.P.C. and

section 3/3 Dowry Prohibition Act, P.S. Hanumant Vihar, District-Kanpur Nagar. Further prayer has been made not to arrest the petitioners in the aforesaid case.

4. Learned counsel for the petitioners submits that the petitioners are husband, mother-in-law, brother-in-law (devar) and sister-in-law (devrani) of respondent no. 3. The impugned F.I.R. has been lodged by the respondent no. 3, roping in the entire family of her husband including his mother, brother and sister-in-law (bhabhi). He next submits that the matrimonial dispute between the respondent no. 3 and her husband, Karan Anand from which the impugned F.I.R. emanates has already been referred to the mediation centre of this Court with certain directions by order dated 8.7.2024.

5. It is jointly submitted that as the dispute has come to be amicably resolved under the settlement agreement dated 15.12.2024, duly verified by the parties, therefore, pending proceedings would serve no purpose and the same are liable to be quashed in the light of the judgements of the Hon'ble the Apex Court in the case of B.S. Joshi v. State of Haryana and others, 2003(4) SCC 675 and Gian Singh v. State of Punjab, 2012(10) SCC 303. Reliance has also been placed on the judgment of Division Bench of this Court dated 16.9.2022 in Criminal Misc. Writ Petition No.8510 of 2022 (Anuj Pandey v. State of U.P. & Ors.) wherein it is observed that the High Court has ample power under its inherent jurisdiction to quash the first information report in which the parties have settled their disputes which are of private in nature and have no any grave impact on the society. The time of courts as well as investigating agencies are very precious which should not be wasted in any futile proceedings where the chance of conviction is bleak.

6. Hon'ble the Apex Court in the case of Gian Singh (supra) has held in para-61 that;

"the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences Under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil favour stand on different footing for the purposes of

quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

7. Since the dispute between the parties have already been settled amicably vide settlement agreement dated 10.12.2023, pending proceedings would serve no purpose and the same are liable to be quashed in the light of the aforesaid judgments.

8. Thus, in view of the well settled principles of law as laid down by the Hon'ble Apex Court in B.S. Joshi (supra); Nikhil Merchant Vs. Central Bureau of investigation and another), J.T. 2008 (9) SC 192; Gian Singh (supra); Yogendra Yadav and others Vs. State of Jharkhand (2014) 9 SCC 653 and also Narendra Singh Vs. State of Punjab (2014) 6 SCC 466, and in view of the settlement agreement dated 15.12.2024, the First Information Report dated 8.6.2024 registered as Case Crime No. 239 of 2024, under sections 498A, 313, 323, 504, 506 I.P.C. and section 3/3 Dowry Prohibition Act, P.S. Hanumant Vihar, District-Kanpur Nagar is hereby quashed.

9. The present petition is, accordingly, allowed.

Order Date :- 2.1.2025 Faridul