

Shamsudden And 4 Others vs State Of U.P. And Another on 2 January, 2025

Author: Manju Rani Chauhan

Bench: Manju Rani Chauhan

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:741

Court No. - 52

Case :- APPLICATION U/S 482 No. - 31492 of 2024

Applicant :- Shamsudden And 4 Others

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

Counsel for Applicant :- Digvijay Singh, Sudhir Kumar Singh

Counsel for Opposite Party :- G.A., Sudhir Kumar Singh

Hon'ble Mrs. Manju Rani Chauhan, J.

1. Supplementary affidavit, filed today, is taken on record. Office is directed to register the same.
- 2 Heard Sri Digvijay Singh, learned counsel for the applicants, Ms. Kiriti Singh, learned AGA for the State, Sri Jaideep Singh, learned Advocate holding brief of Sri Sudhir Kumar Singh, learned counsel for opposite party no. 2 and perused the record.
3. This application under Section 482 Cr.P.C. has been filed challenging the proceedings of Case No. 3211 of 2010, State v. Shamsudden & others, charge sheet dated 07.07.2010 arising out of Crime No. 275 of 2010, under Sections 498A, 323 IPC and 3/4 Dowry Prohibition Act, Police Station Belari,

District Moradabad, on the basis of compromise dated 20.08.2024 filed before CJM, Moradabad.

4. Earlier, on 30.09.2024 following order was passed:

"1. Heard Sri Digvijay Singh, learned counsel for the applicants and the learned A.G.A. Perused the record.

2. Applicants have approached this Court by means of present application under Section 482 Cr.P.C. with the following prayer:-

"It is, therefore most respectfully Prayed that this Hon'ble Court may kindly be pleased to allow this application and to quash the Entire Proceeding as well as Charge Sheet (No. 146 of 2010), dated 7.7.2010 of Case No. 3211 of 2010, State Vs. Shamsudden & others, arising out of Case Crime No. 275 of 2010, under Section 498-A, 323 IPC & under Section 3/4 D.P. Act, Police Station Belari, District Moradabad on the basis of compromise application dated 20.08.2024 filed before the Court Judicial Magistrate, Moradabad.

It is further Prayed that this Hon'ble Court may kindly be pleased to Stay the further proceeding of Case Crime No. 275 of 2010 under Section 498-A, 323 IPC & under Section 3/4 D.P. Act, Police Station Belari, District Moradabad as well as summoning order dated 24.07.2024, pending in the Court of Chief Judicial Magistrate, Moradabad 'during pendency of the present criminal miscellaneous application, otherwise the applicant shall suffer an irreparable loss and injury."

3. Learned counsel for the applicants has submitted that the parties have settled their dispute out of Court on the basis of compromise. He has drawn the attention of this Court towards compromise deed dated 20.8.2024 in which it is stated that by amicable settlement both the parties want to resolve the aforesaid dispute. It is next submitted that the entire proceedings be dropped in light of the compromise deed filed by the parties. It is further submitted that the parties are also ready to appear before the court concerned for verification of compromise.

4. Learned AGA is having no objection, if any, such direction is given to the court concerned for verification of compromise executed between the parties.

5. As both the parties have amicably settled their dispute and compromise has also been arrived between them, therefore, it is directed that both the parties shall appear before the court concerned within ten days and shall file an application along with the certified copy of this order for verification of compromise, enter between them.

6. If any such compromise is moved, then the court below shall verify the compromise, in accordance with law, and shall pass a reasoned order accepting or rejecting of compromise, in accordance with law and transmit verification report to this Court.

7. Put up this case on 18.10.2024 as fresh.

8. Till the next date of listing, no coercive measures shall be adopted against the appellants in the aforesaid case.

9. Office is directed to submit a report on the next date fixed in respect of verification report, if any, forwarded by the court concerned."

5. In compliance of the aforesaid order, compromise has been verified by order dated 04.10.2024 passed by Judicial Magistrate, Moradabad. A copy of the said order has been brought on record as Annexure-1 to the supplementary affidavit, filed today.

6. 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.

7. Learned A.G.A. for the State 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.

8. 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,

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, 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 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.

11. Accordingly, the proceedings of Case No. 3211 of 2010, State v. Shamsudden & others, charge sheet dated 07.07.2010 arising out of Crime No. 275 of 2010, under Sections 498A, 323 IPC and 3/4 Dowry Prohibition Act, Police Station Belari, District Moradabad, are hereby quashed.

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

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

Order Date :- 2.1.2025 DS