

Sushil Kumar And 4 Others 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:14270

Court No. - 52

Case :- APPLICATION U/S 482 No. - 40860 of 2024

Applicant :- Sushil Kumar And 4 Others

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

Counsel for Applicant :- Akhand Pratap Tripathi

Counsel for Opposite Party :- G.A.,Vikas Tiwari

Hon'ble Mrs. Manju Rani Chauhan,J.

1. Heard Mr. Akhand Pratap Tripathi, learned counsel for the applicants, Mr. Vikas Tiwari, learned counsel for the opposite party no.2 and Mr. Amit Singh Chauhan, learned counsel for the State.

2. This application u/s 482 has been filed by the applicant with the prayer to quash the entire proceeding of Case No. 4044 of 2024 (State Vs. Sushil Kumar & others), under sections 406, 504, 506 I.P.C. & 3/4 D.P. Act, Police Station Etmaddaula, District-Agra as well as impugned charge sheet no. 333 of 2022 dated 10-07- 2022, arising out of case crime no. 0717 of 2021, under sections under section 406, 504, 506 I.P.C. & 3/4 D.P. Act Police Station Etmaddaula, District-Agra as well as impugned summoning order dated 01-08-2023 passed by Additional Chief judicial Magistrate,

First Agra, pending in the court of Additional Chief Judicial Magistrate, Court No. 8, Agra, on the basis of compromise.

3. On 13.12.2024, the following order was passed in the matter:-

"1. Heard Mr. Akhand Pratap Tripathi, learned counsel for the applicants, Mr. Vikas Tiwari, 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 entire proceeding of Case No. 4044 of 2024 (State Vs. Sushil Kumar & others), under sections 406, 504, 506 I.P.C. & 3/4 DP Act, Police Station Etmaddaula, District-Agra as well as impugned charge sheet no. 333 of 2022 dated 10-07- 2022, arising out of case crime no. 0717 of 2021, under sections under section 406, 504, 506 I.P.C. & 3/4 DP act Police Station Etmaddaula, District-Agra as well as impugned summoning order dated 01-08-2023 passed by Additional Chief judicial Magistrate, First Agra, pending in the court of Additional Chief Judicial Magistrate, Court No. 8, Agra, on the basis of compromise.

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. After the aforesaid, applicant no.1 and daughter of opposite party no.2 have decided to live together as husband and wife. The copy of the said compromise/mutual deed, filed before the court below, is annexed as Annexure No. 3 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. 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 28.01.2025, as fresh.

9. Till then, no coercive measure shall be taken against the applicants in the aforesaid case."

4. In compliance of the order dated 13.12.2024, compromise verification report is placed on record as is evident from office report dated 27.01.2025. The letter of Additional Chief Judicial Magistrate, Court No.08, Agra dated 10.01.2025 has been placed on record along with order dated 10.01.2025 vide which compromise has been verified between the parties..

5. 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.

6. Learned counsel for opposite party no.2 and learned A.G.A. for the State 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.

7. 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,

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 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.

9. 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.

10. Accordingly, the proceeding of Case No. 4044 of 2024 (State Vs. Sushil Kumar & others), under sections 406, 504, 506 I.P.C. & 3/4 D.P. Act, Police Station Etmaddaula, District-Agra as well as impugned charge sheet no. 333 of 2022 dated 10-07- 2022, arising out of case crime no. 0717 of 2021, under sections under section 406, 504, 506 I.P.C. & 3/4 D.P. Act Police Station Etmaddaula, District-Agra as well as impugned summoning order dated 01-08-2023 passed by Additional Chief judicial Magistrate, First Agra, pending in the court of Additional Chief Judicial Magistrate, Court No. 8, Agra, on the basis of compromise, are hereby quashed.

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

Order Date :- 31.1.2025 Abhishek Singh