

Smt Ankita Gupta And 2 Others vs State Of U.P. And 2 Others on 4 March, 2025

Author: Mahesh Chandra Tripathi

Bench: Mahesh Chandra Tripathi

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:30234-DB

Court No. - 42

Case :- CRIMINAL MISC. WRIT PETITION No. - 4042 of 2025

Petitioner :- Smt Ankita Gupta And 2 Others

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Gaurav Kumar Shukla

Counsel for Respondent :- G.A.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioners, and learned A.G.A. for the State respondents.
2. The present writ petition has been preferred with prayer to quash the impugned First Information Report dated 17-02-2025 registered as Case Crime No.34 of 2025, under Section 87 B.N.S., P.S. Dubauliya, District- Basti and for a direction to the respondents not to arrest the petitioners in pursuance of impugned First Information Report.

3. Learned counsel for the petitioners submits that both petitioner no. 1 (Ankita Gupta) and petitioner No. 2 are major, with petitioner no. 1 being born on 01.01.2004 and petitioner No. 2 on 05.07.2002, as per their respective high school mark sheets. It is further submitted that petitioner no. 1, being major, has voluntarily applied for marriage with petitioner No. 2 before the Special Marriage Officer in Basti, exercising her free will. Therefore, the FIR lodged under Section 87 of the Bhartiya Nyaya Sanhita-2023 is unjustified, and the petitioners are being harassed by the police without cause. The learned counsel prays for the quashing of the FIR and relief from further police harassment.

4. Learned A.G.A has given a nod to the said situation.

5. Learned A.G.A., on the instructions, states that till date the police report has not been submitted in the present matter and he has no objection, if the matter is decided on merit.

6. It is jointly submitted that this being an offshoot of a matrimonial dispute, same has come to be amicably resolved and as such, the pending proceedings would serve no purpose and the same are liable to be quashed in the light of the judgements of the Hon'ble 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.

7. The Hon'ble Apex Court in the case of B.S Joshi (supra) has held that in case the matrimonial dispute has come to an end, under a compromise/settlement, between the parties, then notwithstanding anything contained under Section 320 IPC, there is no legal impediment for this court to quash the proceedings of Section 498-A I.P.C etc, which has matrimonial flavour under its inherent powers in view of the recorded settlement between the parties. 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-dominatingly 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."

8. After carefully examining the records, the Court finds that petitioner no. 1, being major, has voluntarily applied for marriage with petitioner no. 2, exercising her free will, with no indication of coercion or any legal wrongdoing. The FIR registered under Section 87 of the Bhartiya Nyaya Sanhita-2023 is thus without merit, and the petitioners are being unnecessarily harassed by the police. The Court is of the view that in matters involving personal relationships, especially where both parties are major and have willingly entered into a matrimonial arrangement, the role of the legal system should be to protect their rights and prevent undue harassment. Continuation of proceedings in such cases, once amicably resolved, serves no public interest and amounts to an abuse of the legal process.

9. Consequently, the writ petition is allowed and the impugned First Information Report dated 17-02-2025 registered as Case Crime No.34 of 2025, under Section 87 B.N.S., P.S. Dubauliya, District- Basti as well as all consequential proceedings are hereby quashed.

Order Date :- 4.3.2025 pks (Prashant Kumar, J.) (M.C. Tripathi, J.)