

Court No. - 76

Case :- APPLICATION U/S 482 No. - 17404 of 2024

Applicant :- Anish And 2 Others

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

Counsel for Applicant :- Yogendra Pal Singh

Counsel for Opposite Party :- Dharmendra Kumar,G.A.

Connected with

Case :- APPLICATION U/S 482 No. - 17996 of 2024

Applicant :- Manish

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

Counsel for Applicant :- Yogendra Pal Singh

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh,J.

1. As both the aforesaid cases i.e. application u/s 482 Cr.P.C. nos. 17404 of 2024 and 17996 of 2024 arise from the same case crime number, thus, both the cases are being decided by this common judgment.
2. Heard learned counsel for the applicants, learned counsel for opposite party no. 2/informant and learned AGA for the State.
3. Both the aforesaid applications u/s 482 Cr.P.C. have been filed with the prayer to quash the entire proceedings, including cognizance /summoning order dated 18.02.2019, of Session Case No. 908 of 2019, arising out of Case Crime No. 708 of 2018, under Sections 498-A, 323, 504, 506, 354, 376, 511 I.P.C. and Section 3/4 D.P. Act, Police Station Lisarigate, District Meerut, pending in the court of Additional Chief Judicial Magistrate, Court No. 6, Meerut, on the basis of compromise arrived at between the parties.
4. It has been argued by the learned counsel for the applicants that in application u/s 482 No. 17404 of 2024, applicants are husband, father-in-law and mother-in-law of informant and in application

u/s 482 No. 17996 of 2024, applicant is brother-in-law (Dewar) of informant. It was submitted that the matter relates to matrimonial dispute and that now both the parties have amicably settled the dispute and the informant of the case does not want to pursue the impugned proceedings. It was further submitted that the compromise, filed by the parties before the trial court concerned, has already been verified by the court concerned, copy of which is on record and thus, the impugned proceedings of the aforesaid case may be quashed, on the basis of compromise arrived at between the parties.

5. Learned counsel for the opposite party no.2 /informant has concurred with the arguments of learned counsel for the applicants and submitted that both the parties have amicably settled the dispute and the informant does not want to proceed with the aforesaid case pending before the trial court concerned and proceedings of the aforesaid case may be quashed, as no useful purpose would be served by exhausting remedy of trial.

6. Learned A.G.A. has no objection if parties compromise the matter.

7. So far as position of law on the point of quashing of proceedings on ground of settlement, is concerned, in **State of Madhya Pradesh Vs. Laxmi Narayan and others**, AIR 2019 SC 1296, Hon'ble Apex Court after considering its earlier decisions in case of *Gian Singh vs. State of Punjab* (2012) 10 SCC 303; *State of Rajasthan vs. Shambhu Kewat*, (2014) 4 SCC 149; *State of Madhya Pradesh vs. Deepak* (2014) 10 SCC 285; *State of Madhya Pradesh vs. Manish* (2015) 8 SCC 307; *J.Ramesh Kamath vs. Mohana Kurup* (2016) 12 SCC 179; *State of Madhya Pradesh vs. Rajveer Singh* (2016) 12 SCC 471; *Parbatbhai AAhir vs. State of*

Gujarat (2017) 9 SCC 641, State of Madhya Pradesh vs. Kalyan Singh, decided on 4.1.2019 [Criminal Appeal No. 14/2019] and State of Madhya Pradesh vs. Dhruv Gurjar, decided on 22.02.2019 vide Criminal Appeal @ SLP(Criminal) No.9859/2013, has held as under:

"13. Considering the law on the point and the other decisions of this Court on the point, referred to hereinabove, it is observed and held as under:

i) that the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

ii) such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

iii) similarly, such power is not to be exercised for the offences under the special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

iv) offences under Section 307 IPC and the Arms Act etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

v) while exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise etc."

8. Thus, it is apparent that in appropriate cases criminal proceedings may be quashed on the basis of compromise between the parties. Perusal of record shows that matter relates to matrimonial dispute, which is private in nature and if parties compromise the matter, it would not have adverse impact on society. There is nothing to indicate that parties have any criminal antecedents. Though normally the criminal proceedings under Section 376 IPC cannot be quashed on the basis of compromise but in the instant matter, it appears that no offence under Section 376 IPC is made out and essentially the matter relates to

matrimonial dispute. The informant does not want to proceed with the impugned proceedings against the applicants. The compromise filed by the parties before the trial court, has already been verified by the court concerned. Considering the above stated law and facts of the present case, it would be in the interest of justice that the proceedings of the aforesaid case in question be quashed. Accordingly, the impugned cognizance-summoning order and entire proceedings of the aforesaid criminal case are, hereby, quashed.

9. Both the application u/s 482 i.e. Nos. 17404 of 2024 and 17996 of 2024 are hereby **allowed**.

Order Date :- 8.8.2024
Anand