



2025:AHC:175239-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 802 of 2024

Himanshu Singh Kushwaha And 3 Another

.....Petitioner(s)

Versus

State Of Up And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Chandra Shekhar Kushwaha, Desh Raj Kushwaha, Ravi Shankar Yadav
Counsel for Respondent(s)	: C.S.C., Sanjay Kumar Yadav

Court No. - 46

HON'BLE RAJIV GUPTA, J.

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard learned counsel for the petitioners, learned AGA for the State, Sri Sanjay Kumar Yadav, learned counsel for the respondent No.4 and perused the record.

2. Learned counsel for the petitioners has submitted that on account of matrimonial discord, the impugned F.I.R was lodged against the petitioners. The said first information report was challenged before this Court and this Court, vide order dated 31.01.2024, had referred the matter to the Mediation and Conciliation Centre of this Court in order to enable them to explore the possibility of resolving the dispute through mediation.

3. Pursuant to the said order dated 31.01.2024, the parties appeared before the Mediation and Conciliation Centre of this Court and with the help of the Mediators, parties have amicably and genuinely resolved all their disputes and a settlement agreement dated 02.06.2024 has been drawn between the parties, a copy of which is annexed with the writ petition and shall form part of this order.

4. Learned counsel for the petitioners has next submitted that pursuant to the said settlement-agreement, a sum of Rs.6 lakhs was required to be paid to respondent No.4 by petitioner No.1. Out of the said sum, Rs.3 lakhs had already been paid on 26.05.2024 through demand draft No.471407 dated 21.05.2024 and the balance amount has been paid today through Demand Draft No.016494 dated 05.08.2025 and now, nothing

remains to be paid to respondent No.4.

5. Learned counsel for the petitioners has next submitted that in view of the compromise made between the parties, the impugned first information report and consequential proceedings thereof, if any, be quashed.

6. Learned counsel for the respondent No.4 has also appeared and has acknowledged the said compromise made between the parties.

7. It is further germane to point out here that the demand draft of Rs.3 lakhs dated 05.08.2025 drawn in favour of respondent No.4 has also been handed over to respondent No.4, who is present in person in Court today and has acknowledged the receipt of the said demand draft.

8. Learned counsel for respondent No.4, on instructions, has further submitted that in view of the aforesaid compromise, he has no objection, if the impugned first information report and consequential proceedings thereof, if any, are quashed.

9. Respondent No.4- Pooja Kumari, who is present in person in the Court, has also assured the Court that she shall positively appear before the Family Court on the next date fixed and will cooperate by all means in conclusion of the proceedings pending before the Family Court.

10. Learned AGA for the State also has no objection.

11. This Court is not unmindful of the judgements of the Hon'ble Apex Court in the cases of:-

(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.

wherein Hon'ble 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. and another [2013 (83) ACC 278]**, in which, law expounded by Hon'ble Apex Court in the aforesaid cases has been explained in detail.

12. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by learned counsel for the parties, this Court is of the considered opinion that no useful purpose would be served by prolonging the proceedings of the present case.

13. Accordingly, the entire proceedings of impugned F.I.R. dated 31.12.2023, arising out of Case Crime No. 0212 of 2023, under Sections 323, 506, 313, 498-A IPC and Section 3/4 of Dowry Prohibition Act, Police Station-Dildarnagar, District- Ghazipur are hereby quashed.

14. The instant writ petition is accordingly **allowed**.

September 26, 2025

Kushal

(Rajiv Lochan Shukla,J.) (Rajiv Gupta,J.)