

Court No. - 73

Case :- APPLICATION U/S 482 No. - 8519 of 2021

Applicant :- Shayara And 2 Others

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

Counsel for Applicant :- Abhishek Ankur Chaurasia, Balram Singh, Diwan Saifullah Khan, Rabindra Bahadur Singh

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

Hon'ble Dinesh Pathak, J.

1. Learned counsel for the applicants has filed a copy of the supplementary affidavit annexing the certified copy of the compromise application, certified copy of the order dated 20.04.2024 and certified copy of the order dated 06.03.2025 today in the Court, which is taken on record. Office is directed to proceed accordingly.

2. Heard learned counsel for the applicant, learned counsel for the opposite party no.2 as well as learned A.G.A. for the State.

3. The applicant has invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C. for quashing the impugned Charge sheet and cognizance order dated 10.09.2020 and 22.09.2020 as well as entire proceeding of Case No. 290 of 2020 (State Vs. Abdul Salam and others), arising out of Case Crime No.173/2020, u/s 420, 406, 506 & 504, Police Station- Tanda, District- Rampur.

4. It is submitted that during the pendency of the instant criminal misc. application under Section 482 Cr.P.C., both the parties have arrived at a compromise and settled their dispute amicably out of the Court. This Court, vide its order dated 13.03.2024, has relegated the parties before the court below to get their compromise verified. For the ready reference, the order dated 13.03.2024 is quoted below:-

"Learned counsel for the applicants and learned counsel for the opposite party No.2 are present.

Learned counsel for the applicants has submitted that he has filed supplementary affidavit on 04.10.2023 but the same is not on record.

Office is directed to trace out the same and place it on record.

According to both the counsels, the parties have arrived at a compromise. The copy of the compromise deed is appended at page No.7 of the supplementary affidavit dated 04.10.2023. As some of the sections involved are non-compoundable, hence, the prayer is made to issue the directions for the trial court to verify the compromise

deed.

As the dispute is personal and the compromise between the parties would not affect the society adversely, hence, the parties are directed to appear before the trial court within 15 days from today alongwith their compromise deed. If the parties appear before the trial court within the time stipulated alongwith their compromise deed, the trial court shall verify the said compromise deed, pass an order thereon and transmit the certified copy of the compromise deed alongwith the certified copy of the order passed thereon, to this Court within 15 days thereafter.

List on 16th April, 2024 in the additional cause list.

Till then, no coercive action shall be taken against the applicants in Case Crime No.173 of 2020, under Sections 420, 406, 504, 506 I.P.C., Police Station- Tanda, District Rampur."

5. In compliance of the order dated 13.03.2024, learned Chief Judicial Magistrate has verified the said compromise vide its order dated 20.04.2024. It is apposite to mention here that two of the accused persons namely Tahir and Mohd. Gufran could not appear before the court below, therefore, the compromise could not be verified in their respect.

6. Having considered this aspect to the matter, this Court, vide its order dated 20.02.2025, has issued a direction to verify the compromise with respect to the Tahir (applicant no.4) and Mohd. Gufran (applicant no.5). For the ready reference, order dated 20.02.2025 is quoted as below:-

"1. This Court on 13.03.2024 proceeded to pass the following order:

"Learned counsel for the applicants and learned counsel for the opposite party No.2 are present.

Learned counsel for the applicants has submitted that he has filed supplementary affidavit on 04.10.2023 but the same is not on record. Office is directed to trace out the same and place it on record.

According to both the counsels, the parties have arrived at a compromise. The copy of the compromise deed is appended at page No.7 of the supplementary affidavit dated 04.10.2023. As some of the sections involved are non-compoundable, hence, the prayer is made to issue the directions for the trial court to verify the compromise deed.

As the dispute is personal and the compromise between the parties would not affect the society adversely, hence, the parties are directed to appear before the trial court within 15 days from today alongwith their compromise deed. If the parties appear before the trial court within the time stipulated alongwith their compromise deed, the trial court shall verify the said compromise deed, pass an order thereon and transmit the certified copy of the compromise deed alongwith the certified copy of the order passed thereon, to this Court within 15 days thereafter.

List on 16th April, 2024 in the additional cause list.

Till then, no coercive action shall be taken against the applicants in Case Crime No.173 of 2020, under Sections 420, 406, 504, 506 I.P.C., Police Station- Tanda, District Rampur."

2. Thereafter, this Court on 13.05.2024 proceeded to pass the following order:

"1. Heard learned counsel for the applicants, Sri Jyoti Kumar Singh, learned A.G.A. for the State-O.P. no.1 and perused the record.

2. The present application under Section 482 Cr.P.C. has been filed for quashing charge sheet dated 10.09.2020 and summoning order dated 22.09.2020 in Case Crime No.173 of 2020, under Section 420, 406. 504, 506 I.P.C., Police Station-Tanda, District-Rampur.

3. Vide order dated 13.03.2024, the parties were directed to appear before the concerned trial court for verification of compromise. Pursuant to said order, although the parties have appeared before the court below but out of five accused persons, the compromise has been done only with three accused, who are present applicants, and not with the two other accused persons.

4. In view of above facts, the parties, the remaining two out of the five accused persons, are directed to file an application along with the compromise deed before the concerned Court below and appear before the Court concerned for verification of the compromise in the last week of May, 2024. On receiving the said application, the Court below shall take steps for verification of the compromise and shall prepare a verification report. The concerned Court shall send the verification report to this Court, which may be placed in the file.

5. Put up this matter on 09.07.2024 along with report of Court below.

6. Interim order, granted earlier, to continue till the next date of listing."

3. This Court on 09.08.2024 proceeded to pass the following order:

"1. In compliance of the order dated 13.05.2024, the counsel for the parties have not been able to show that any compromise between the informant and accused Tahir and Mohd. Gufran has been placed before the court concerned, a report regarding the same has been placed by Chief Judicial Magistrate, Rampur vide its letter dated 23.04.2024.

2. The order dated 13.05.2024 has not been complied with. The compromise deed as placed by counsel for the parties is not proper deed, therefore, the counsel for the parties are directed to argue the case on merits.

3. As prayed, list this case on 27th August, 2024."

4. Lastly, this Court on 04.02.2025 proceeded to pass the following order:

"1. Pursuant to the order dated 13.05.2024, an impleadment application has been filed for impleading the Tahir S/o Jameel and Mohd. Gufran S/o Ismail.

2. Accordingly, the impleadment application has been allowed.

3. Let the necessary impleadment be done during the course of the day.

4. List this case on 20.02.2025 in the additional cause list. "

5. There happens to be a report of Chief Judicial Magistrate, Rampur dated 23.04.2024 showing the fact that verification of original applicants has already been done and the settlement was verified also, however, so far as, newly impleaded applicant Nos. 4 (Tahir s/o Jameel) and 5 (Mohd. Gufran s/o Ismail) are concerned, the court of Chief Judicial Magistrate, Rampur is directed to verify the compromise with respect to both of them also.

6. Office is directed to do the needful.

7. Put up this matter on 12.03.2025 in the additional cause list, by which time, verification report be produced before this Court."

7. In compliance of the order dated 20.02.2025, the learned Chief Judicial Magistrate has verified the compromise on 06.03.2025. As per the compromise verification order dated 20.04.2024 and 06.03.2025, both the parties were appeared before the court below and they have been identified by their respective counsels. The contents of the compromise have been spelt out to both the parties who have admitted the factum of the compromise and stated that they entered into a compromise on their volition without any duress and coercion. Accordingly, the compromise has been verified.

8. It is submitted by learned counsel for the applicant that in the above eventuality of amicable settlement took place between the parties, instant application may be allowed and the entire criminal proceedings may be quashed. It is further submitted that both the parties have entered into compromise out of their own volition without any duress and buried the hatchet. There is no grudges between them against each other. To quash the cognizance order as well as criminal proceeding, learned counsel for the applicant has relied upon the following judgments of the Hon'ble Apex Court:- **(i) B.S.Joshi & Others Vs. State of Haryana & Others; (2003) 4 SCC 675. (ii) Nikhil Merchant Vs. Central Bureau of Investigation; (2008) 9 SCC 667. (iii) Manoj Sharma Vs. State & Others; (2008) 16 SCC 1. (iv) Gyan Singh Vs. State of Punjab (2012) 10 SCC 303. (v) Narindra Singh & Others Vs. State of Punjab (2014) 6 SCC 466.**

9. In a recent judgment passed by a Three Judges' Bench of the Apex Court in the Case of **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Vs. State of Gujarat and another**, reported in **AIR 2017 SC 4843**, Hon'ble Supreme Court has summarized the ratio of all the cases decided earlier with

respect to quashing of F.I.R./charge-sheet/criminal proceeding on the ground of settlement between the parties and expounded the ten categories in which application under Section 482 could be entertained for quashing the F.I.R./charge-sheet/criminal proceeding on the basis of compromise. Para no. 15 of the said judgement summarizing the proposition in this respect is reproduced below :-

"15. (i) Section 482 preserves the inherent power of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court; (ii) The invocation of the jurisdiction of the High Court to quash a First Information Report or a criminal proceeding on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable. (iii) In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power; (iv) While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised; (i) to secure the ends of justice or (ii) to prevent an abuse of the process of any court; (v) The decision as to whether a complaint or First Information Report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated; (vi) In exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot approximately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences; (vii) As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned; (viii) Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute; (ix) In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and (x) There is yet an exception to the principle set out in propositions (viii) and (ix) above. Economic offences involving the financial and economic well-being of the state have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanor. The consequences of the act complained of upon the financial or economic system will weigh in the balance."

10. Learned A.G.A. has no objection, in case, the instant application is decided by this Court on the basis of compromise took place between the parties, which is duly

verified by the court concerned.

11. Learned counsel for the opposite party No. 2 has nodded the factum of the compromise entered into between the parties and he has no objection, if the instant application is decided finally on the basis of the said compromise. He also submits that compromise was verified in presence of both the parties, who have voluntarily entered into compromise and opposite party no. 2 does not want to prosecute the present case against the applicants any more as no dispute remains between the parties.

12. Having considered the compromise took place between the parties and with the assistance of the aforesaid guidelines, keeping in view the nature of gravity and severity of the offence, which are more particular in private dispute, it is deemed proper that in order to meet the ends of justice, the present proceeding should be quashed. In result, dispute between the parties will put to an end, peace will be resorted and relationship between them will be smooth. No useful purpose would be served to keep the present matter pending inasmuch as both the parties have buried the hatchet and as the time passes, it will be difficult to prove the guilt of the accused. The continuation of criminal proceeding would cause oppression and prejudice.

13. In view of the aforesaid pronouncements of the Hon'ble Apex Court and in the light of the compromise took place between the parties, duly verified by the court concerned, the present application under Section 482 Cr.P.C. is hereby ***allowed***. The entire criminal proceeding of the aforementioned case is hereby ***quashed***.

14. Let a copy of the order be transmitted to the concerned lower Court for necessary action.

Order Date :- 23.8.2025

Pravesh Mishra