



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 482 No. - 17764 of 2019

Aman Sharma And 5 Ors

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Arvind Kumar Tiwari, Rajesh Kumar
Srivastava, Rizwan Ahmad, Virendra
Kumar Srivastava

Counsel for Opposite Party(s) : Durga Prasad, G.A.

Court No. - 78

HON'BLE NAND PRABHA SHUKLA, J.

1. Supplementary affidavit filed today in Court is taken on record.
2. Heard Mr. Arvind Kumar Tiwari, learned counsel for the applicants, Mr. Durga Prasad, learned counsel for the opposite party No. 2, learned A.G.A. for the State and perused the record.
3. The present application under Section 482 Cr.P.C., has been filed with a prayer to allow this application and quash the entire proceeding including the summoning order dated 05.03.2019 in Complaint Case No. 1766 of 2017 under Sections 498A, 323, 506 IPC and Section 3/4 Dowry Prohibition Act, Police Station-Mursan, District-Hathras (Smt. Bhawna Sharma v. Aman Sharma and Others) pending in the Court of Additional Chief Judicial Magistrate, Hathras.
4. It is submitted by learned counsel for the parties that the parties appeared before the Court concerned for verification of the compromise. The said compromise has been duly verified by the learned Additional Chief Judicial Magistrate, Hathras, vide order dated 05.12.2025.
5. Learned counsel for the applicants submits that the present dispute arises out of matrimonial discord between the applicants and the opposite party No.2. It is also argued that the parties have willingly entered into a settlement and not under duress or threat or coercion and are not interested in pursuing the matter pending in the Court concerned and, therefore, the

impugned proceedings be quashed on the ground of compromise between the parties and they do not propose to file the counter affidavit and rejoinder affidavit.

6. Learned A.G.A. also does not dispute the correctness of the submissions made by the learned counsel for both the parties.

7. The law with regard to quashing of a case on the basis of settlement arrived between the parties, is well settled. In the light of the judgment of **Hon'ble Apex Court in B.S. Joshi and Others Vs. State of Haryana and another, (2003) 4 SCC 675**, it has been held that *"High Courts have the inherent power under Section 482 of the Criminal Procedure Code (Cr.P.C.) to quash First Information Reports (FIRs) and criminal proceedings, particularly in matrimonial disputes where a genuine settlement has been reached between the parties. The Court clarified that Section 320 Cr.P.C., which lists compoundable offences, does not restrict this power, and exercising it is crucial for promoting amicable settlements and serving the ends of justice, even if the offences are otherwise non-compoundable."*

8. In the case of **State of Madhya Pradesh Vs. Laxmi Narayan (2019) 5 SCC 688**, it has been held as follows:

"15.1 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;

15.2. 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;

15.3 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;

15.4 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"

9. The Hon'ble Supreme Court in its Constitutional Bench Judgment in **Gian Singh Vs. State of Punjab and Another, (2012)10 SCC 303**, has held that *"But the criminal cases having overwhelmingly and pre-dominantly civil flavour 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."*

10. The Hon'ble Supreme Court in **Parbatbhai Ahir alias Parbatbhai Bhimsinhbhai Karmur and others vs. State of Gujarat and another, (2017) 9 SCC 641** has laid down broad principles of quashing the criminal

proceedings in exercise of inherent jurisdiction on the ground that "*even in the non compoundable cases on the basis of compromise, criminal proceedings can be quashed so that valuable time of the court can be saved and utilized in other material cases.*"

11. The parties have agreed to withdraw the proceedings pending amongst them in Court concerned. From perusal of the records and the law as cited above, the present case is a good case for exercise of power by the Court to quash summoning order as well as entire proceedings.

12. The dispute appears to be purely of a matrimonial in nature that has been mutually settled between the parties to their entire satisfaction, therefore, no useful purpose would be served in allowing the prosecution to continue any longer.

13. The present application for quashing filed under Section 482 Cr.P.C., comes within the parameters as laid down by the **Hon'ble Supreme Court in Pradeep Kumar Kesarwani Vs. State of Uttar Pradesh & Another, Criminal Appeal No. 3831 of 2025, SLP (Crl.) No. 11642 of 2019 dated 02.09.2025.**

14. In view of above, the entire proceeding including the summoning order dated 05.03.2019 in Complaint Case No. 1766 of 2017 under Sections 498A, 323, 506 IPC and Section 3/4 Dowry Prohibition Act, Police Station-Mursan, District-Hathras (Smt. Bhawna Sharma v. Aman Sharma and Others) pending in the Court of Additional Chief Judicial Magistrate, Hathras, are hereby quashed.

15. The present application under Section 482 Cr.P.C., is, accordingly, **allowed.**

(Nand Prabha Shukla,J.)

May 12, 2026
Aditya Tripathi