2026:AHC:209003

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 482 No. - 23500 of 2022

Manish Kumar Singh And 4 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Amarnath Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 74

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri Amarnath Tripathi, learned counsel for the applicants, Sri Bade Lal Bind, learned counsel for the State and perused the records.

3. The present application under Section 482 Cr.P.C. has been filed by the applicants- Manish Kumar Singh, Kumari Devi, Lalji Singh, Amit Kumar Singh, Sweta Singh, with the prayer to quash the charge sheet dated 15.11.2021 as well as cognizance order dated 2.2.2022 and the entire proceedings of Case (State vs. Manish Kumar Singh and others) arising out of Case Crime No.15 of 2021, under Sections 498A, 323, 506 I.P.C. and Section 3/4 Dowry Prohibition Act, Police Station- Mahila Thana, District Varanasi on the basis of compromise dated 18.5.2022 pending in the court of VIIIth Additional Chief Judicial Magistrate/FTC IInd, Varanasi, with the further prayer to stay the further proceedings of the said case.

4. On 01.09.2022 the following order was passed by another Bench of this Court:-

"Heard Sri Amarnath Tripathi, learned counsel for applicants and the learned A.G.A.

This application under Section 482 Cr.P.C. has been filed for quashing the charge sheet ans well as entire proceedings of case crime no. 15 of 2021 under Sections 498-A, 323, 506 IPC and 3/4 Dowry Prohibition Act, P.S. Mahila Thana, District- Varanasi pending in the court of VIIIth Additional Chief Judicial Magistrate/FTC IInd, Varanasi in terms of the compromise dated 18.5.2022.

It is submitted that on account of intervention of their well-wishers, a compromise has been arrived at between the parties on 18.5.2022. The said compromise has been filed before the court concerned. A copy whereof has been filed as Annexure-10 to the application. It is further contended that proceedings of the aforesaid case be quashed in the light of law laid down by the Apex Court in the case of Gian Singh v. State of Punjab : (2012) 10 SCC 303.

Whether a compromise has taken place or not can best be ascertained by the court where the proceedings are pending, after ensuring the presence of the parties before it.

List this case on 29.9.2022 before the appropriate Bench.

Learned counsel for the applicant undertakes to ensure his presence alongwith parties and compromise paper before the court below or any other transferee court, as the case may be, on 16.9.2022 and the court concerned, thereafter, shall ascertain the veracity of the compromise. If the said compromise is verified, the same shall be made part of the record and report to that effect, will be prepared and the parties would be allowed to obtain certified copy thereof and file the same before this Court.

Office is directed to send through FAX a copy of this order as well as the photocopy of the compromise annexed as Annexure-10 to the application to the court concerned within a week.

Learned counsel for the applicant is also directed to produce certified copy of this order before the Court concerned on the date fixed before it.

Till the next date of listing, no coercive steps would be taken against the applicants."

5. Learned counsel for the applicants while placing second supplementary affidavit dated 11.12.2022, has placed before the Court annexure no.SA-1 to the same and submitted that vide order dated 16.09.2022 passed by Civil Judge (J.D.)/F.T.C., Varanasi the said compromise has been verified. The said order is at page-9 of the said second supplementary affidavit. It is argued that the opposite party no. 2 is not interested to pursue the matter pending in the trial court and is not inclined to give any evidence against the applicants and therefore the impugned proceedings be quashed on the ground of compromise between the parties.

6. Learned State counsel opposed the prayer for quashing but could not dispute the fact that the matter has been amicably settled between the parties which was duly verified by the concerned trial court.

7. The law with regards to quashing of a case on the basis of settlement arrived between the parties, is well settled. The Apex Court in the cases of ***(1) B.S. Joshi and others Vs. State of Haryana and another: (2003)4 SCC 675; (2) Nikhil Merchant Vs. Central Bureau of Investigation :***

(2008) 9 SCC 677; (3) Manoj Sharma Vs. State and others: (2008) 16 SCC 1; (4) Gian Singh Vs. State of Punjab: (2012) 10 SCC 303; (5) Shaifullah and others Vs. State of U.P. And another: 2013 (83) ACC 278 and (6) Parbatbhai Ahir@Parbatbhai @ Bhimsinbhai Karmur and others Vs. State of Gujarat and another: (2017) 9 SCC 641 has held that the cases in which the parties have settled their grievances can be quashed.

8. From perusal of the records and the law laid down by the Apex Court on the subject matter, the present case is a good case for exercising powers by this Court to quash the proceedings, charge sheet and cognizance order as prayed for by the applicant(s).

9. The present application is allowed.

10. The impugned charge sheet, cognizance order and the proceedings of the said case are hereby quashed.

11. Pending application(s), if any, shall stand disposed of.

12. Interim order, if any, stands vacated.

(Samit Gopal,J.)

October 6, 2026
Naresh

Digitally signed by :-
NARESH KUMAR
High Court of Judicature at Allahabad