2026:AHC:209144

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 482 No. - 16068 of 2024

Saleem And Another

.....Applicant(s)

Versus

State Of Up And 2 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Abhishek
Counsel for Opposite Party(s)	:	Ajay Singh, G.A.

Court No. - 79

HON'BLE MADAN PAL SINGH, J.

1. Heard Mr. Abhishek, learned counsel for the applicants, Mr. Ajay Singh, learned counsel for the opposite party no.2 and perused the record.

2. The present application has been filed for quashing the entire proceeding as well as charge sheet dated 08.09.2015 and cognizance/summoning order dated 25.07.2016 in Criminal Case No.416 of 2016 arising out of Case Crime No.37 of 2015, under Sections 420, 406, 452, 323, 506 IPC, Police Station Mawana, District Meerut as well as order dated 03.11.2023 passed by Civil Judge, Junior Division Mawana, Meerut.

3. Learned counsel for the applicants argues that while the earlier Criminal Misc. Application No. 26381 of 2022 was pending, the parties reached a compromise and 06.12.2022 this Court directed the trial court to verify the compromise. However, instead of properly considering and deciding the compromise, the trial court by its order dated 03.11.2023, rejected it on the ground that an offence under Section 452 IPC is non-compoundable and, therefore, the criminal proceedings could not be quashed on the basis of the compromise. Consequently, the applicants have filed the present application, presumably seeking quashing of the criminal proceedings despite the offence being non-compoundable, on the basis of the parties' settlement.

4. Upon perusal of the record, it is evident that by order of this Court, the matter was referred to the trial court for verification of the compromise. Pursuant thereto, the trial court vide order dated 03.11.2023 duly verified the compromise. In such circumstances, the applicants ought to have filed an application before this Court seeking quashing of the proceedings pending before this Court on the basis of the compromise rather than filing an application before the trial court.

5. It is true that the compromise deed had already been verified by the trial court, in such circumstances, the present application u/s 482 Cr.P.C. is **allowed** and the entire proceedings of Criminal Case No.416 of 2016 arising out of Case Crime No.37 of 2015, under Sections 420, 406, 452, 323, 506 IPC, Police Station Mawana, District Meerut as well as order dated 03.11.2023 passed by Civil Judge, Junior Division Mawana, Meerut, are hereby quashed.

October 6, 2026
Ajeet

(Madan Pal Singh,J.)

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