2026:AHC:209029

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 31947 of 2026

Farid

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rupendra Kumar Mishra
Counsel for Opposite Party(s)	:	G.A., Santosh Kumar Verma

Court No. - 73

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State, learned counsel for the first informant and perused the material on record.

2. The present application has been filed for quashing the proceedings of Sessions Trial No. 236 of 2019 (State Vs. Farid) arising out of Case Crime No. 170 of2018 under Sections 354Ka, 354Kha I.P.C., and Section 11/12 of POCSO Act, Police Station Kotwali, District Moradabad pending before learned POCSO First, Moradabad as well as to quash the charge sheet dated 27.07.2018 and also to quash the summoning order dated 08.04.2019 passed in the aforesaid case pursuant to the compromise entered into between the parties.

3. Vide order dated 05.08.2026, this Court had referred the matter before the concerned trial below for verification of the compromise entered into between the parties. The learned trial Court vide its report dated 03.09.2026 has reported that the matter has been compromised between the parties, certified copy of the same has been produced before this Court and is taken on record.

4. Learned counsel for the applicant submits that an FIR had come to be lodged by the opposite party no. 2 owing to some misunderstanding and misgivings between the parties. With passage of time they have been able to resolve their differences and have settled their dispute amicably in writing, which has also been verified by the learned trial Court. They realise that there was no criminal intent on part of the applicants and that no criminal offence has been committed by the applicants.

5. Learned A.G.A. as well as learned counsel for the informant do not dispute the correctness of the submission made by learned counsel for the applicants or the correctness of the documents relied upon by him. He submits that he has no objection, if the proceedings in the aforesaid case are quashed.

6. It is contended that in view of the said compromise, the pending proceedings before the court below be quashed in the light of the Judgments of Apex Court in the case ***B.S. Joshi v. State of Haryana and others, 2003(4) SCC 675, and that of Gian Singh v. State of Punjab, 2012(10) SCC 303.***

7. The Apex Court in the case of ***B.S Joshi (Supra)*** has held that in case the dispute has come to an end, under a compromise/settlement, between the parties, then notwithstanding anything contained under Section 320 IPC there is no legal impediment for this court to quash the proceedings of Section 498-A I.P.C etc, under its inherent powers in view of the recorded settlement between the parties. The Apex Court in the case of Gian Singh (supra) has held in para-61 that;

> "the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences Under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominatingly civil favour 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. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall

be well within its jurisdiction to quash the criminal proceeding."

8. Learned counsel for the applicant in support of his contention has placed reliance on the judgments of Apex Court in the case of ***Narinder Singh vs. State of Punjab reported in (2014) 6 SCC 466, Yogendra Yadav vs. State of Jharkhand reported in (2014) 9 SCC 653 and Parbatbhai Aahir Vs. State of Gujarat reported in (2017) 9 SCC 641*** and has submitted that the applicants and opposite party no.2 have settled their differences through compromise and as such opposite party no.2 does not wish to press the aforesaid case against the applicants. Opposite party no.2 is ready to withdraw the prosecution of the applicant and in view of the compromise, no fruitful purpose would be served if the prosecution is allowed to go on.

9. From perusal of the record, it is apparent that parties have entered into compromise and appear to have settled their real disputes amicably, which has also been verified by the Court below, copy of which report is on record. Thus, it further appears that the opposite party no.2, who would be the key prosecution witness, if the trial were to proceed, has declared his unequivocal intent to turn hostile at the trial. In such circumstances, it is apparent that merits and truth apart, the proceedings in trial, if allowed to continue, may largely be a waste of precious time by the learned court below.

10. The court cannot remain oblivious to the hard reality that the facts of the present case and other similar cases present where, though allegations made in the FIR do contain ingredients of an offence. However, in view such settlement having been reached, the chances of conviction are not only bleak but if such trials are allowed to continue along with all other trials that lie piled up in practically all criminal courts in the state, the continuance of trials in cases such as the instant case may only work to the huge disadvantage of other cases where litigants are crying for justice.

11. In normal circumstances, the court would be loathe to accept some of such compromise arrangements. Sadly, even that course does not commend itself to the court in view of the high pendency of criminal cases and the high propensity to lie and state falsehood that appears to be otherwise rampant in the society - where desire to take revenge appears to sometime over shadow the pure pursuit of justice; where winning a legal battle matters more than doing the right thing; where teaching a lesson to ones adversary often appears to be the only purpose of instituting a criminal proceeding.

12. Thus, looking at the prevalent tendencies in the society, a more pragmatic, and less technical approach commends to the court - to let some criminal prosecutions such as the present case be dropped, for the sake of more effective, efficient and proper trial in other cases where the litigants appear to be serious about their rights and more consistent in their approach.

13. Considering the facts and circumstances of the case and the submissions advanced by learned counsel for the parties regarding the compromise entered into between the parties and taking all these factors into consideration cumulatively, the compromise between parties be accepted and further taking into account the legal position as laid down by

the Apex Court in the case of Gian Singh v. State of Punjab, 2012(10) SCC 303, Narinder Singh vs. State of Punjab (supra), Yogendra Yadav vs. State of Jharkhand (supra) and Parbatbhai Aahir Vs. State of Gujarat (supra) the entire proceedings of the aforesaid case is hereby quashed.

14. The present application thus may be allowed, subject however to payment of cost to be deposited by the parties before the High Court Legal Services Committee, Allahabad, within a period of three weeks from today. Such cost has to be imposed to let the parties (in this case) in particular and the society in general know that the courts cannot remain a mute spectator to unscrupulous and errant behaviour by its members. A society that will allow its members to misuse its courts, will ultimately suffer and pay a huge cost. Litigants, both genuine and bogus, will always continue to stand in the same queue. The courts have no mechanism to pre-identify and distinguish between the genuine and the bogus litigant. That becomes known only after hearing is concluded in a case. Hearing requires time. In fact, even if the courts were to take punitive action against a bogus litigant, then, being bound by rules of procedure and fairness, such cases would require more time to be devoted to them than a case of two genuine litigants.

15. In such circumstances, though no useful purpose would be served in allowing the prosecution to continue any further, however, no firm conclusion may be reached, at this stage, as to complete falsity of the allegations made against the applicants. The present application stands allowed, subject however to payment of cost Rs. 4,000/- (2,000 on each party) to be deposited before the High Court Legal Services Committee, Allahabad, within a period of three weeks from today.

16. The Legal Services Committee exists and works for the benefit of those litigants for whom court procedures are difficult to afford. It provides a crucial and essential service to the society itself. It thus appears proper to direct payment of the amount of cost to the Legal Services Committee, as a reminder and warning to the society and its members to introspect and reflect at their actions and deeds and also at the consequences that follow.

(Dr. Gautam Chowdhary,J.)

October 5, 2026
S.Ali

Digitally signed by :-
SHAUKAT ALI
High Court of Judicature at Allahabad