2026:AHC:227372-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 19280 of 2024

Sandesh Chandra Gupta @ Sandesh Khard And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashutosh Kumar Tripathi
Counsel for Respondent(s)	:	G.A., Ranjeet Singh

Court No. - 47

HON'BLE RAJEEV MISRA, J.
HON'BLE DR. AJAY KUMAR-II, J.

1. Heard Mr. Ashutosh Kumar Tripathi, the learned counsel for petitioners and the learned AG.A. representing State/respondents 1 to 3.

2. Even though the name of Mr. Ranjeet Singh is duly published in the cause list as counsel for first informant/respondent-4, but neither he nor any one on his behalf is present to oppose this writ petition, even in revised call.

3. Perused the record.

4. Petitioners-Sandesh Chandra Gupta @ Sandesh Khard And Another have approached this Court by means of present Criminal Misc. Writ Petition challenging the FIR dated 19.01.2023 lodged by first informant-respondent-4, Naveen Ananad and registered as Case Crime No. 0019 of 2023, under Sections 406 and 506 I.P.C., Police Station-Prem Nagar, District-Jhansi.

5. Present writ petition came up for admission on 24.10.2024 and this Court passed the following order:

"1. Heard learned counsel for the petitioners and learned A.G.A. for the State.

2. This writ petition has been filed with the prayer to quash the First Information Report dated 19.01.2023, registered as Case Crime No.0019 of 2023, under Sections 406, 506 of I.P.C. added Section 409 I.P.C. Police Station Prem Nagar, District Jhansi.

3. Contention is that the petitioners are willing to clear off the balance liability of the informant and in such circumstances, the matter may be referred to Mediation Centre of this Court.

4. Learned A.G.A. opposed the writ petition on the ground that even the admitted liability has not been cleared by the petitioners.

5. In the facts of the present case, we are of the view that an attempt be made to resolve the differences between the parties by way of mediation. It is therefore, directed that petitioners shall deposit a draft of Rs 10 lacs in the name of Registrar General of this Court within a period of six weeks from today. Apart from the aforesaid amount, the petitioners shall also deposit a sum Rs. 10,000/- within two weeks from today with the Mediation Centre, which amount shall go to mediation centre towards the expenses of mediation.

6. On compliance of above direction, the Mediation Centre shall explore the possibility of amicable settlement between the parties after giving notices to both the parties.

7. After depositing the amount, aforesaid, notice shall be issued to the parties. In the event of failure of compliance, the petition shall stand dismissed without reference to the Court.

8. It is directed that Mediation Centre shall decide the matter, expeditiously, preferably within a period of three months.

9. List thereafter.

10. Subject to petitioners' depositing the aforesaid amount and also participating in the mediation proceedings, no coercive action shall be taken against them pursuant to the impugned First Information Report, till the next date of listing "

6. Pursuant to above order dated 24.10.2024, the parties appeared for mediation at the Mediation and Conciliation Center, High Court Allahabad. However, no amicable settlement could be arrived at between the parties in the mediation proceeding. However, irrespective of above, during the pendency of present writ petition, parties amicably settled their dispute outside the court. On the basis of settlements so arrived at between the parties, a requisite affidavit was filed before U.P. Real Estate Regulatory Authority, upon which an order has also been passed by the Real Estate Regulatory Authority. Aforesaid fact has been brought on record by means of a Supplementary Affidavit dated 16.08.2026. The copy of the compromise agreement has been appended as Annexure-2 to the said supplementary affidavit, whereas the order passed by the Real Estate Regulatory Authority has been brought on record as Annexure-3 to the aforesaid supplementary affidavit. On the above premise, the learned counsel for petitioners submits that in view of settlement having taken place between the parties before the competent authority, no useful purpose would be served in perpetuating the criminal prosecution of petitioners pursuant to the impugned FIR. He therefore submits that in view of above, the impugned FIR is liable to be quashed by this Court.

7. It is then submitted by learned counsel for petitioners that investigation of concerned case crime number is still pending in asmuch as, no charge sheet/ police

report in terms of Section 173(2) CrPC / 193(3) BNSS has been submitted till date. Apart from above, the dispute between the parties is basically a private dispute. Offence complained of against petitioners is not a crime against State or Society. As such, there does not exist any legal impediment in accepting the compromise entered into by the parties. In view of the compromise entered into by the parties, the chances of conviction of accused petitioners are not only remote but also bleak. In case criminal prosecution of petitioners is allowed to continue, the same shall result in loss of public time and money. On the edifice of above submission, the learned counsel for petitioners, therefore, submits that the impugned FIR is liable to be quashed by this court.

8. Per contra, the learned AGA representing State/respondents 1, 2, and 3 submits that since offence complained of is not a crime against State or Society, therefore, he cannot have any objection in case the present writ petition is decided by this Court in terms of the compromise entered into by the parties.

9. Be that as it may, the crux of the matter is that the parties have entered into a compromise, which has been acted upon. This Court is not unmindful of the following judgements of Apex Court:

i. B.S. Joshi and others Vs. State of Haryana and another (2003) 4 SCC 675
ii. Madan Mohan Abbot Vs. State of Punjab, (2008) 4 SCC 582
iii. Nikhil Merchant Vs. Central Bureau of Investigation[2008)9 SCC 677]
iv. Manoj Sharma Vs. State and others (2008) 16 SCC 1
v. Shiji @ Pappu and Others VS. Radhika and Another, (2011) 10 SCC 705
vi. Gian Singh Vs. State of Punjab (2012) 10 SCC 303
vii. K. Srinivas Rao Vs. D.A Deepa, (2013) 5 SCC 226
viii. Dimpey Gujral and others Vs. Union Territory through Administrator, U.T. Chandigarh and others, (2013) 11 SCC 497
ix. Narindra Singh and others Vs. State of Punjab (2014) 6 SCC 466
x. Yogendra Yadav and Ors. Vs. State of Jharkhand and another (2014) 9 SCC 653
xi. Shlok Bhardwaj Vs. Runika Bhardwaj, (2015) 2 SCC 721
xii. C.B.I. Vs. Maninder Singh (2016) 1 SCC 389
xiii. C.B.I. Vs. Sadhu Ram Singla and Others, (2017) 5 SCC 350
xiv. Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Others Vs. State of Gujarat and another, (2017) 9 SCC 641
xv. Anita Maria Dias and Ors. Vs. State of Maharashtra and Others, (2018) 3 SCC 290
xvi. Social Action Forum For Manav Adhikar and Another Vs. Union of India and others, (2018) 10 SCC, 443 (Constitution Bench)
xvii. State of M.P. VS. Dhruv Gurjar and Another, (2019) 5 SCC 570
xviii. State of M.P. V/s Laxmi Narayan & Ors., (2019) 5 SCC 688
xix. Rampal Vs. State of Haryana, AIR online 2019 SC 1716
xx. Arun Singh and Others VS. State of U.P. and Another (2020) 3 SCC 736
xxi. (Ramgopal and Another Vs. The State of M.P.), 2021 SCC OnLine SC 834
xxii. Daxaben Vs. State of Gujarat, 2022 SCC Online 936.

xxiii. State of Kerala VS. Hafsal Rahman N.R., Special Leave Petition (Criminal) Diary Nos. 24362 of 2021.

xiv. Shatrughna Atmaram Patil and Another Vs. Vinod Dodhu Chaudhary and Another, (2024) 4 SCC 458.

xv. Suraj Singh Gujar and Another Vs. State of Madhya Pradesh and Others, 2024 SCC OnLine SC 2414.

xvi. K. Bharti Devi and Another Vs. State of Telangana and Another, (2024) 10 SCC 384.

xvii. Ramji Lal Bairwa and Another Vs. State of Rajasthan and Others, 2024 SCC OnLine SC 3193.

xviii. H.N. Pandakumar Vs. State of Karnataka, 2025 SCC OnLine SC 38.

wherein the Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non compoundable offences. However, Apex Court in **State of M.P. Vs. Laxmi Narayan (Supra)** held that no compromise can be made in respect of offences against society as they are not private in nature. Similarly in **Ram Pal Vs. State of Haryana (Supra)** it has been held that no compromise can be made in cases relating to rape and sexual assault. Recently, the Apex Court in **Daxaben (supra)** has held that no compromise can be made in matter under Section 306 IPC. In state of **Kerala Vs. Hafsal Rahman (Supra)**, Court has held that no compromise can be entertained in matters under the POCSO Acts. Reference may also be made to the decision given by this Court in **Shaifullah and others Vs. State of U.P. And another [2013 (83) ACC 278]** in which the law expounded by the Apex court in some of the aforesaid cases has been explained in detail.

Recently Apex court in **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur (Supra)** has laid down the following guidelines with regard to quashing of criminal proceedings as well compromise in criminal proceedings in paragraphs 16 to 16.10 of the report, which read as under:

"16. The broad principles which emerge from the precedents on the subject, may be summarized in the following propositions

16.1. Section 482 preserves the inherent powers 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;

16.2. 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.

16.3. 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;

16.4. 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;

16.5. 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;

16.6. In the 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 appropriately 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;

16.7. 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 in so far as the exercise of the inherent power to quash is concerned;

16.8. 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;

16.9. 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

16.10. There is yet an exception to the principle set out in propositions 16.8 and 16.9 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 misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance."

Recently in Ramgopal and another (supra), Court has again reiterated the guidelines regarding quashing of criminal proceedings in view of compromise. Following has been observed in paragraph 18-19:-

"18. It is now a well crystalized axiom that plenary jurisdiction of this Court to impart complete justice under Article 142 cannot ipso facto be limited or restricted by ordinary statutory provisions. It is also noteworthy that even in the absence of an express provision akin to Section 482 Cr.P.C. conferring powers on the Supreme Court to abrogate and set aside criminal proceedings, the jurisdiction exercisable under Article 142 of the Constitution embraces this Court with scopious powers to quash criminal proceedings also, so as to secure complete justice. In doing so, due regard must be given to the overarching objective of sentencing in the criminal justice system, which is grounded on the sub-lime philosophy of maintenance of peace of the collective and that the rationale of placing an individual behind bars is aimed at his reformation.

19. We thus sum-up and hold that as opposed to Section 320 Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences 'compoundable' within the statutory framework, the extra-ordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercise carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations."

10. In **State of M.P. Vs. Laxmi Narayan (Supra)**, the Apex Court held that mere mention of Section 307 IPC cannot be sole basis for not quashing the proceedings. Court has to examine whether the prosecution has collected sufficient evidence for framing of charge under Section 307 IPC. The Court has further required to examine the weapons used and nature of injury and whether injury has been inflicted on

vital/delicate parts of the body, the previous antecedents of accused and whether they are absconding and how the compromise was got entered into by the parties are relevant factors, which must be considered. The above observations can be clearly delineated from the recital occurring in paragraphs 11 to 18 of the aforementioned report.

11. Having heard the learned counsel for petitioners, the learned A.G.A. for State-respondents 1, 2 and 3, upon perusal of record and in view of the facts and circumstances of the case as mentioned herein above and also the observations made by the Apex Court as noted above, this Court finds that there does not exists any legal impediment in accepting the compromise entered into by the parties inasmuch as, the dispute between the parties is private in nature and not a crime against state or society. In view of the compromise entered into by the parties, the chances of conviction of accused-petitioners is not only remote but also bleak. As such, continuation of proceedings would itself cause injustice to the parties. The trial would only entail loss of judicial time in a futile pursuit particularly when torrents of litigation drown the Courts with an unimaginable flood of dockets.

12. In view of the discussion made above, the present writ petition succeeds and is liable to be allowed.

13. It is, accordingly, **allowed.**

13. The entire proceedings of Case Crime No. 0019 of 2023, under Sections 406 and 506 I.P.C., Police Station-Prem Nagar, District-Jhansi arising out of impugned F.I.R. dated 19.01.2023 lodged by first informant-respondent-4, Naveen Ananad are, hereby, quashed.

14. In the facts and circumstances of the case, the parties shall bear their own costs.

15. The amount of Rs. 10 lakh deposited by the petitioners as security money with the Registrar General, High Court Allahabad in compliance of order dated 24.10.2024 passed by this Court shall be returned to petitioners.

November 2, 2026
YK

(Dr. Ajay Kumar-II,J.) (Rajeev Misra,J.)

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