

Court No. - 42

Case :- CRIMINAL MISC. WRIT PETITION No. - 17353 of 2024

Petitioner :- Pradeep Pandey And 4 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Siddharth Saran, Vinod Kumar

Counsel for Respondent :- G.A.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioners, learned A.G.A. for the State-respondents, learned counsel for the informant and perused the record.

2. Short counter affidavit has filed today by Sri Devesh Mishra, learned counsel for the opposite party no.4, which is taken on record.

3. By means of the present writ petition under Article 226 of the Constitution of India, petitioners are assailing the legality and validity of First Information Report dated 06.06.2024 being Case Crime No.0162 of 2024, under Sections 498A, 323, 504, 506 IPC and Section 3/4 D.P.Act, P.S.- Phoolpur, District- Prayagraj.

4. The informant/victim is also present before this Court, duly verified by Sri Devesh Mishra, learned counsel for respondent no.4.

5. This Court while entertaining the instant petition on 18.11.2024 had proceeded to pass the following order with the following effect:

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

2. The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 06.06.2024 registered as Case Crime No.0162 of 2024, under Sections-498-A, 323, 504, 506 IPC and Section 3/4 D.P. Act, Police Station-Phoolpur Ganga Nagar, District-Prayagraj.

3. *Learned counsel for the petitioner on instruction submits that the parties have already settled the matter and the informant who is the wife of petitioner has already joined her husband.*

4. *On the request of learned counsel for the petitioners, the matter is adjourned.*

5. *Put up this matter again on 04.12.2024.*

6. *Till the next date of listing or till submission of police report u/s 193(3) B.N.S.S., whichever is earlier, no coercive action be taken against the petitioners pursuant to the impugned FIR, subject to cooperation in the on-going investigation."*

6. Learned AGA states that both are living together. Learned AGA on the instruction states that even though initially police report has been submitted but in view of the judgment and order dated 18.11.2024, even the police report and the cognizance can also be challenged in the writ jurisdiction but at present, it is informed that the cognizance has not been taken by the competent court.

7. In deference to the aforesaid order dated 18.11.2024 passed by this Court, learned counsel for the petitioner has placed reliance upon the agreement dated 13.11.2024 annexed as Annexure No.SCA-1 to the compromise joint affidavit filed in support of the instant petition.

8. It is jointly submitted that as the dispute has come to be amicably resolved under the settlement agreement dated 13.11.2024, therefore, pending proceedings would serve no purpose and the same are liable to be quashed in the light of the judgements of the Hon'ble the Apex Court in the case of ***B.S. Joshi v. State of Haryana and others*, 2003(4) SCC 675 and *Gian Singh v. State of Punjab*, 2012(10) SCC 303**. Reliance has also been placed on the judgment of Division Bench of this Court dated 16.9.2022 in **Criminal Misc. Writ Petition No.8510 of 2022 (*Anuj Pandey v. State of U.P. & Ors.*)** wherein it is observed that the High Court has ample power under its inherent jurisdiction to quash the first information report in which the parties have settled their disputes which are of private in nature and have no any grave impact on the society. The time of courts as well as investigating agencies are very precious which should not be wasted in any futile proceedings where the chance of conviction is bleak.

9. Hon'ble 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-dominantly 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."

10. Since the dispute between the parties have already been settled amicably vide settlement agreement dated 13.11.2024, pending proceedings would serve no purpose and the same are liable to be quashed in the light of the aforesaid judgments.

11. We do not find any good ground to keep the matrimonial proceeding pending on the motion of criminal proceeding and as the matrimonial dispute has already been resolved and the informant is living along with her husband.

8. The writ petition is ***allowed*** and the proceedings of First Information Report dated 06.06.2024 being Case Crime No.0162 of 2024, under Sections 498A, 323, 504, 506 IPC and Section 3/4 D.P.Act, P.S.- Phoolpur, District- Prayagraj. are quashed.

Order Date :- 4.12.2024
Abhishek Sri.