

Court No. - 65

Case :- APPLICATION U/S 482 No. - 42950 of 2019

Applicant :- Raman Gupta And 6 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Amar Bahadur Maurya

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Kumar Singh,J.

A short counter affidavit been filed today by Sri Chandra Sen Pal, learned counsel counsel for the opposite party no.2 is taken on record.

Heard Sri Ashish Goyal learned counsel for the applicants, Sri Chandra Sen Pal, learned counsel for the opposite party no.2 and perused the material brought on record.

The instant application under section 482 Cr.P.C. has been preferred by the applicants with a prayer to quash the entire proceedings of Criminal Case No. 3547 of 2018 (State v. Rajeev Kumar and others) under sections 420, 406, 467, 468, 471, 120B, 201, 204, 506 IPC, arising out of Case Crime No. 618 of 2007, Police Station- Kishni, District- Mainpuri, pending in the court of Fast Track Court (Senior Division)/Addl. CJM, Mainpuri on the basis of compromise between the parties.

The aforesaid short counter affidavit has been filed sworn by the opposite party no.2 Bare Lal. The deponent of the said short affidavit i.e. opposite party no.2 Bare Lal has stated in paragraph 3 to 5 that the dispute between the parties have been amicably settled out of the court and he does not want to pursue the matter against the applicants as on date there exist no dispute between the parties and the proceedings of the aforesaid case is liable to be quashed.

The Apex Court in the case of **Gian Singh v. State of Punjab, 2012(10) SCC 303**, has held 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."

Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by the counsel for the parties, the court is of the considered opinion that no useful purpose shall be served by prolonging the proceedings of the above mentioned case.

Accordingly, the entire criminal proceedings of Criminal Case No. 3547 of 2018 (State v. Rajeev Kumar and others) under sections 420, 406, 467, 468, 471, 120B, 201, 204, 506 IPC, arising out of Case Crime No. 618 of 2007, Police Station- Kishni, District- Mainpuri, pending in the court of Fast Track Court (Senior Division)/Addl. CJM, Mainpuri, are hereby **quashed**.

The application is, accordingly, allowed.

There shall be no order as to costs.

Order Date :- 29.11.2019

ssm