
(2014) 11 AHC CK 0155

In the Allahabad High Court

Case No : Criminal Misc. Application No. 11650 of 2014

Haseen Khan

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 20-11-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 320, 482
Penal Code, 1860 (IPC) — Section 323, 452, 498-A, 504

Citation : (2014) 11 ADJ 642 : (2015) 89 ALLCC 201

Hon'ble Judges : Vijay Lakshmi, J

Bench : Single Bench

Advocate : Mohammad Akram, Advocates for the Appellant

Judgement

Vijay Lakshmi, J.—Heard learned counsel for the applicant and learned A.G.A. for the State.

Pursuant to the order dated 16.4.2014 of this Court, the applicant Haseen Khan (husband) and respondent No. 2 Smt. Qamar Jahan w/o. Haseen Khan appeared before the Mediation Center of Allahabad High Court. The report of Mediation Center is available on record, according to which, both the parties have arrived at an amicable solution resolving all their disputes and differences with the assistance of the Mediator/Counselor.

Sri Mohd. Akram, learned counsel has submitted that he had appeared on behalf of both the parties in the Mediation Center. The relation between the husband and wife has become cordial and they have been living together since 2008, in peaceful atmosphere and now there is no dispute between them. Hence, he prays that all the proceedings of the pending cases between them be quashed.

2. Learned A.G.A. has no objection and he submits that in view of the settlement agreement dated 24.4.2014 and the report of the Mediation Center, Allahabad High Court, he has no objection.

3. The report of High Court Mediation and Conciliation Centre shows that the

parties have agreed that they have no further claim or demand against each other with respect to Criminal Misc. Application No. 11650 of 2014 and all the disputes and differences in this regard have been amicably settled by them.

4. Law is well-settled that where the parties have settled their score, outside the Court, no fruitful purpose would be served by further throwing them to litigation resulting into wastage of their time and also the valuable time of the Court. Reference may be made to the following decisions:

(i) B.S. Joshi and Others Vs. State of Haryana and Another, .

(ii) Gian Singh Vs. State of Punjab and Another, .

The three Judges Bench of the Hon"ble Apex Court in Gian Singh case cited above while discussing the scope of inherent power of High Court under Section 482 Cr.P.C. to quash criminal proceedings involving non compoundable offences, in view of compromise arrived between the parties, has laid down the guidelines and limitations on exercise of quashment power of High Court in such cases and has held that the power of High Court in quashing the criminal proceedings or F.I.R. or complaint in exercise of its inherent jurisdiction is distinct and different from power of Criminal Court of compounding offences under Section 320 Cr.P.C. According to Supreme Court the offences arising out of matrimonial dispute relating to dowry etc. or family dispute where the wrong is basically private or personal in nature and parties have resolved their entire dispute, High Court may quash criminal proceeding. High Court in such cases, must consider whether it would be unfair or contrary to interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the parties, and whether to secure ends of justice, it is appropriate that the criminal case is put to an end? If such questions are answered in affirmative, the High Court shall be well within its jurisdiction to quash criminal proceeding. Quashing the offence or criminal proceeding on the ground of settlement between the offender and victim is not same thing as compounding the offence.

In wake of above mentioned guidelines, the instant matter requires to be finally closed.

Accordingly the application is allowed.

The entire proceedings of Criminal Case No. 2394/2013 arising out of case crime No. 19 of 2008, under Sections 498-A, 323, 504, 452 I.P.C., Police Station Mahila Thana, District Allahabad in between State v. Haseen Khan, pending in the Court of Judicial Magistrate 1st Allahabad is hereby quashed.