

(2025) 07 AHC CK 0812
In the Allahabad High Court, Lucknow Bench
Case No : Application U/S 482 No. 5510 Of 2025

Ravindra @ Pappu

APPELLANT

Vs

State Of UP. Thru. Prin. Secy. Home Deptt. Lko. And Another

RESPONDENT

Date of Decision : 25-07-2025

Acts Referred:

Constitution of India, 1950 — Article 227
Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 173, 173(4), 175, 175(1),
175(2), 175(3), 210, 528
Code of Criminal Procedure Act, 1973 — Section 154, 156, 156(1), 156(2), 156(3)

Citation : (2025) 07 AHC CK 0812

Hon'ble Judges : Dinesh Pathak, J

Bench : Single Bench

Advocate : Ravi Kant, Vatsala, Dharmendra Shukla, Sunil Kumar Singh

Final Decision : Dismissed

Judgement

Subhash Vidyarthi J.

1. Heard Shri Anuruddh Prasad, the learned counsel for the applicant, Shri Rajesh Kumar Singh, the learned AGA -I and Sri Pradeep Kumar Yadav, the learned counsel for opposite party no. 2 and perused the record.

2. By means of the present application filed under Section 482 of Cr.P.C., the applicant has prayed for quashing of the charge-sheet no. 4-A of 2006 dated 21.06.2006 filed in respect of FIR No. 11 of 2006 under Sections 498-A, 304-B of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act, Police Station Bewana, District Ambedkar Nagar and the cognizance and summoning order dated 25.09.2006 by which the accused was summoned to face the trial, on the ground that the parties have arrived at a settlement.

3. The aforesaid case was registered on the basis of an FIR lodged on 05.02.2006 by the opposite party no. 2 against the applicant, his parents, wife and brother Arvind Kumar Yadav, stating that the elder sister of the complainant

had got married to the younger brother of the applicant on 28.06.2003. After her marriage, all the accused persons used to harass her for demanding dowry of Rs. 50,000/- in cash and a Hero Honda motorcycle. In the evening of 05.02.2006, when the complainant went to the matrimonial home of his sister, he found that his sister had been burnt to death. On enquiry, no one told him anything.

4. After investigation, a charge-sheet was filed against all the accused persons for the offences under Section 498-A, 304-B IPC and Section 3/4 of Dowry Prohibition Act. It is mentioned in the charge-sheet that the applicant was absconding. Since the applicant was absconding, the trial continued only against the other co-accused persons, viz. the applicant's father, mother, brother and wife, and all of them were convicted and sentenced by the trial Court by means of a judgment and order dated 15.01.2009 passed by the Additional Session Judge (FTC) Court No. 2, Ambedkar Nagar in Session Trial No. 116 of 2006.

5. On 03.07.2025 the applicant and the opposite party no. 2 have entered into a compromise stating that after conviction, the applicant's parents and younger brother have died. It is stated in the compromise that the opposite party no. 2 came to know later that the applicant had no role in the alleged incident and that he had gone out on the day of the incident and had never made any demand of dowry.

6. The judgment and order of the trial court states that the father of the deceased was examined as PW 1 and he has supported the prosecution version and has stated that the applicant also harassed the deceased for dowry and was involved in killing her. The opposite party 2, who is the complainant was examined as PW 2 and he also stated that the applicant had also demanded dowry and harassed the deceased for dowry, like all the other co-accused persons. Copies of statements of PW-1, PW-2 and PW-3 have been brought on record alongwith a supplementary affidavit.

7. For the aforementioned reasons, the trial court found the accused persons guilty of the offences under Sections 498-A, 304-B of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act and has convicted them.

8. The opposite party No. 2 has filed a short counter affidavit supporting the prayer for quashing of the criminal proceedings against the applicant on the basis of compromise.

9. The learned AGA- I has opposed the application and has stated that the offence under Section 304B of the Indian Penal Code is a heinous offence which cannot be quashed merely on the ground of compromise.

10. In reply to the above contention, learned counsel for the applicant has placed reliance upon the decisions of coordinate benches of this Court in Rajesh Kumari v. State of UP: 2024:AHC: 26481 and Deepak Kumar and Another v. State of UP: 2024:AHC:135745, by which this Court has quashed the offences under Sections 498-A, 304-B IPC and Section 3/4 of the Dowry Prohibition Act on the basis of

compromise arrived at between parties. However, the issue that whether the prosecution relating to an offence under Section 304-B IPC can be quashed merely on the basis of compromise, has not been addressed in the aforesaid orders.

11. The Hon'ble Supreme Court has held that criminal proceedings in respect of serious and heinous offences cannot be quashed merely on the ground of compromise reached between the parties in.....

12. In *Gian Singh v. State of Punjab*: (2012) 10 SCC 303, the Hon'ble Supreme Court has referred to numerous precedents and has concluded as under: -

"61. The position that emerges from the above discussion can be summarised thus: 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 FIR may be exercised where the offender and the 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 a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the 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 predominatingly civil flavour stand on a 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, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the 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 the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

13. In *Narinder Singh v. State of Punjab*: (2014) 6 SCC 466, after considering the decision in *Gian Singh* (Supra), the Hon’ble Supreme Court summed up the principles and reiterated that Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Even in cases involving the offence punishable under Section 307 IPC, where the conviction is already recorded by the trial court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court.

14. In *Parbatbhai Aahir v. State of Gujarat*: (2017) 9 SCC 641, after considering a catena of decisions on the point, the Hon’ble Supreme Court summarised the following propositions: -

“(1) Section 482 CrPC 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.

(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 CrPC. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

(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.

(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.

(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.

(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.

(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 insofar as the exercise of the inherent power to quash is concerned.

(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.

(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

(10) There is yet an exception to the principle set out in Propositions (8) and (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."

15. In the present case, the applicant and 4 other members of his family were accused of harassing and killing the sister of the complainant – opposite party no. 2 for dowry. During the trial, all the witnesses made similar allegations against all the accused persons. The Trial Court found all the other accused guilty and convicted them, while the applicant continued to evade the trial and remained absconding. The guilt of all the accused persons against whom the same allegations were made as the applicant, has been established by the order of the trial court and all the other accused persons have been convicted. The offence in question is certainly a serious and heinous offence of mental depravity which is not a private offence and it has a serious adverse impact on the society, the commission whereof has already been established by the judgment and order dated 15.01.2009 passed by the Additional Session Judge (FTC) Court No. 2, Ambedkar Nagar in Session Trial No. 116 of 2006.

16. In view of the aforesaid facts, the criminal proceedings against the applicant cannot be quashed merely on the ground that subsequent to conviction and sentence of the co-accused persons, a compromise has been reached between

the applicant and the complainant, who is the brother of the deceased, as this would defeat the ends of justice.

17. In view of the foregoing discussions, the application under Section 482 Cr.P.C. seeking quashing of criminal proceedings on the ground of compromise, is dismissed.