
(2010) 08 AHC CK 0252

In the Allahabad High Court

Case No : Criminal Miscellaneous Application No. 3601 of 2009

Vijay Sharma and Others

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision : 27-08-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 307, 323, 498A, 504

Citation : (2010) 08 AHC CK 0252

Hon'ble Judges : Shri Kant Tripathi, J

Final Decision : Disposed Of

Judgement

Shri Kant Tripathi, J.

Heard learned counsel for the applicants and the learned A.G.A. for the respondent no. 1 and perused the record.

The learned counsel for the applicants submitted that in this case the mediation has succeeded and the applicants and the respondent no. 2 have settled their disputes and differences and executed a written compromise before the mediation centre whereby the respondent no. 2 has agreed for quashing the proceedings of the case crime no. 238 of 2008, under section 323, 307, 498A, 504 I.P.C. and 3/4 D.P. Act, P.S. Kotwali, District Mathura.

The Apex Court has dealt with the consequence of a compromise in regard to noncompoundable offences in the case of B.S. Joshi and others vs. State of Haryana and another (2003) 4 SCC 675 and has held as follows:

"If for the purpose of securing the ends of justice, quashing of FIR becomes necessary, section 320 would not be a bar to the exercise of power of quashing. It is, however, a different matter depending upon the facts and circumstances of each case whether to exercise or not such a power. Thus, the High Court on exercise of its inherent power can quash criminal proceedings or FIR or complaint and section 320 of the Code does not limit or affect the powers under section

482 of the Code."

The principles of law propounded in B. S. Joshi's case (supra) has been applied with approval in the case of Nikhil Merchant v. CBI and another (2008) 9 SCC 650.

In CBI Vs. Duncans Agro Industries Ltd.(1996) 5 SCC 591 the Apex Court upheld the order of the High Court quashing the criminal complaint after the civil action had been compromised between the parties. No doubt, Duncans Agro case (supra) was in regard to the offence under section 420 IPC, which was compoundable but the principles of quashment of the criminal proceeding on the basis of compromise was evolved.

In view of the fact that the applicants and the respondents have settled their disputes, it would be a futile exercise to proceed with the criminal case, therefore, the petition is allowed. The proceedings of the case arising out of crime no. 238 of 2008, under section 323, 307, 498A, 504 I.P.C. and 3/4 D.P. Act, P.S. Kotwali, District Mathura are quashed.