HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

APPLICATION U/S 482 No. - 7275 of 2023

Raksharam Tiwari And Others

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And Another

.....Opposite Party(s)

Counsel for Applicant(s) : Amar Singh, Jai Vardhan Srivastava
Counsel for Opposite Party(s) : G.A., Amitabh Banerjee

Court No. - 16

HON'BLE BRIJ RAJ SINGH, J.

1. Heard learned counsel for the parties.

2. The instant application under Section 482 Cr.P.C. has been filed on behalf of the applicant with a prayer to quash the impugned summoning order dated 01.10.2022 passed by Civil Judge Junior Division Court No.8, Gonda in Complaint Case No.17106 of 2022 the impugned revisional order dated 05.07.2023 passed by the Court of Revision i.e. Additional Sessions Judge, FTC New Gonda in Criminal Revision No.488 of 2022 under Section 323, 427 and 504 I.P.C., Police Station-Nawab Ganj, District-Gonda, Furthermore, as well as the entire proceeding of the Complaint Case No.17106/22 (Hemant Shukla vs. Raksharam Tiwari and Others) pending in the Court of Civil Judge Junior Division Court No.8, Gonda.

3. The Mediation and Conciliation Center, High Court, Lucknow has submitted its report dated 28.10.2025 along with the settlement entered into between the parties. According to the terms of the compromise, parties have settled their dispute amicably.

4. Learned counsel for the parties state that the dispute under the said agreement stands settled between the parties. Therefore, submission is that the entire proceedings of the aforesaid criminal case are liable to be quashed.

5. Learned counsel for opposite party no.2 has also not denied the aforesaid facts. On instructions received from opposite party no.2, he submits that he has no objection, if the proceedings against the applicants in the aforesaid case are quashed.

6. This Court is not unmindful of the following judgements of the Supreme Court:

i. B.S. Joshi and others Vs. State of Haryana and another, *(2003)4 SCC 675;*

ii. Nikhil Merchant Vs. Central Bureau of Investigation, *(2008) 9 SCC 677;*

iii. Manoj Sharma Vs. State and others, *(2008) 16 SCC 1;*

iv. Gian Singh Vs. State of Punjab, *(2012) 10 SCC 303;*

v. Narindra Singh and others Vs. State of Punjab, *(2014) 6 SCC 466; and*

vi. State of M.P. Vs. Laxmi Narayan and others, *AIR 2019 SC 1296*

7. In the aforesaid judgments, the Supreme Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non-compoundable offences. Reference may also be made to the decision given by this Court in ***Shaifullah and others Vs. State of U.P. and another,*** 2013 (83) ACC 278, in which the law expounded by the Supreme Court in some of the judgments noted above has been explained in detail.

8. Recently, the Supreme Court in the case of ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others Vs. State of Gujarat and another,*** (2017) 9 SCC 641 has laid down the following guidelines with regard to quashing of criminal proceedings as well compromise in criminal proceedings in paragraphs 16 to 16.10, which read as under:

"16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions;

16.1. Section 482 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;

16.2. 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 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. 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;

16.4. 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;

16.5. 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;

16.6. 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;

16.7. 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 in so far as the exercise of the inherent power to quash is concerned;

16.8. 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;

16.9. 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

16.10. There is yet an exception to the principle set out in propositions 16.8 and 16.9 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."

9. Considering the fact that agreement between the parties has been entered into; both the parties being present here; counsel for opposite

party no.2 being present and having no objection to this agreement as well as looking into the facts and circumstances of the case, as noted herein-above as also the submissions made by the counsel for the parties, the Court is of the considered opinion that no useful purpose would be served by prolonging the proceedings of above mentioned case.

10. Accordingly, application is ***allowed*** and the entire proceedings of the entire proceeding of the Complaint Case No.17106/22 (Hemant Shukla vs. Raksharam Tiwari and Others) pending in the Court of Civil Judge Junior Division Court No.8, Gonda are hereby quashed qua the applicants.

(Brij Raj Singh,J.)

January 5, 2026
Mohit Singh/-

Digitally signed by :-
MOHIT SINGH
High Court of Judicature at Allahabad,
Lucknow Bench