



2025 INSC 659

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2025
(@SPECIAL LEAVE PETITION (CrI.) NO. 12088 OF 2022)

NADEEM AHMAD

...APPELLANT(S)

VERSUS

THE STATE OF U.P. & ANR.

...RESPONDENT(S)

O R D E R

Leave granted.

2. Being aggrieved by the order dated 14.10.2022 passed by the Allahabad High Court in Application under Section 482 No. 18087/2021, the appellant has preferred this appeal.

3. By the aforesaid order, the plea of the appellant herein under Section 482 of the CrPC seeking quashing of the charge sheet dated 15.01.2020 and Summoning Order dated 14.11.2020 in Criminal Case No.237/9 of 2020 (State of U.P. vs. Nadeem) arising out of Case Crime No.415/2019 registered under Sections 323, 504, 324, 427, 447 and 506 of the Indian Penal Code, 1860 (IPC), Police Station - Shahganj, District - Jaunpur pending before the Court of learned Judicial Magistrate, Ist Court No.17, Jaunpur, has been dismissed. Hence, this appeal.

4. We have heard learned counsel for the appellant, learned standing counsel appearing for respondent no.1/State as well as learned counsel for respondent no.2.

5. Learned counsel for the appellant submitted that during the pendency of this matter before this Court, the parties, namely, the appellant and respondent no.2 herein have arrived at a settlement inasmuch as the parties do not wish to proceed against each other in the cases that they have filed against each other; that respondent no. 2 shall continue to remain as a tenant of the appellant on payment of rents on a regular basis. In the circumstances, the parties have decided to seek quashing of Case Crime No.415/2019 filed by respondent no.2 against the appellant herein. He submitted that in support of the said application which has been filed by the respondent no.2 under Article 142 of the Constitution of India, affidavit(s) of respondent no.2 as well as of the appellant have been filed. They have resolved to put an end to all litigation and disputes between them so as to continue their relationship peacefully as landlord and tenant. In the circumstances, appropriate orders may be made on the said application and relief may be granted to the appellant herein by setting aside the impugned order.

6. Learned counsel for respondent no.2 endorsed the submissions made by learned counsel for the appellant and contended that this Court may accept the prayers made by respondent no.2 by treating the same as one being under Section 320 of the Code of

Criminal Procedure, 1973 (for short, "Crpc") and consequently grant the relief by exercising powers under Article 142 of the Constitution of India.

7. Learned standing counsel for respondent no.1/State submitted that having regard to the plea made by respondent no.2/complainant and the submissions advanced at the Bar, appropriate orders may be made.

8. We have perused the application filed under Article 142 of the Constitution of India by respondent no.2 as well as the affidavit(s) supporting the same. We have also perused the affidavit(s) filed by the appellant herein and the list of cases and counter-cases which have already been settled between the parties. The application filed under Article 142 reads as under:

"APPLICATION FOR DISPOSAL OF CASE UNDER ARTICLE 142,
CONSTITUTION OF INDIA

MOST RESPECTFULLY SHOWETH:

1. That the present case arises out of Case Crime No. 415 of 2019 lodged Under Section 307, 323, 504, 324, 427, 447 & 506-IPC, PS- Shahganj, Jaunpur pending before ACJM-I, Jaunpur, U.P.
2. That the petitioner and respondent No.2 family members have amicably resolved all their disputes and differences, and a settlement agreement dated 03.02.2025 has been entered into between the parties. True translated copy of agreement dated 03.02.2025 is annexed herewith as ANNEXURE A-1 [PAGE NO.6-11].
3. That it is respectfully submitted that one suit of small causes Suit No. 04/2021 pertaining to arrears of rent was pending before Civil Judge Jaunpur in which settlement agreement is filed

with regard to creation of new tenancy. True translated copy of the settlement agreement dated 17.02.2024 filed before Civil Judge, Senior Division, Jaunpur, U.P is filed herewith as ANNEXURE A-2. [PAGE NO. 12-18].

4. That it is humbly submitted that the aforesaid Suit No. 04/2021 is withdrawn before Lok Adalat vide order dated 09.03.2024. True translated copy of the order dated 09.03.2024 passed in suit no. 04/2021 is annexed herewith as ANNEXURE A-3 [PAGE NO. 19-23].
5. That it is humbly submitted that one suit of cancellation of sale deed, Regular Suit No. 637 of 2018 titled as Sabir Ahmad v. Abdul Rahim and ors. was also pending between the parties before Civil Court, Jaunpur which have been withdrawn on 09.03.2024. The order dated 09.03.2024 passed by Civil judge, Jaunpur in Suit No. 637 of 2018 is annexed as herewith as ANNEXURE NO.A-4 [PAGE NO. 24-27].
6. That it is humbly submitted that the petitioner has lodged Case crime no. 416 of 2019, u/s 323, 504, 506 & 427-IPC against the Respondent No.2 in which petitioner has filed application u/s 320 for compounding of offenses on the basis of settlement arrived between the parties wherein the ACJM Court has compounded the criminal proceedings vide order dated 20.08.2014. True copy of order dated 20.08.2024 passed by ACJM-V, Jaunpur acquitting the Respondent No.2 in case crime no. 416 of 2019, u/s 323, 504, 506 & 427-IPC is annexed herewith as ANNEXURE A-5. [PAGE NO. 28-33]
7. That the respondent/complainant does not wish to pursue the criminal proceedings any further and has no objection if the FIR and all subsequent proceedings arising therefrom are quashed.
8. That the parties have entered into the settlement voluntarily, without any coercion or undue influence, and in the interest of peace and harmony.
9. That it is, therefore, in the interest of justice that this Hon'ble Court may be pleased to exercise its extraordinary jurisdiction under Article 142 of the Constitution and quash the criminal proceedings to secure complete justice between the parties.

PRAYER

In view of the aforesaid facts and circumstances, it is most respectfully prayed that this Hon'ble Court

may graciously be pleased to:

- A) Quash Case Crime No. 415 of 2019 lodged Under Section- 307, 323, 504, 324, 427, 447 & 506-IPC, P.S- Shahganj, Jaunpur pending before ACJM-I, Jaunpur, U.P the and all consequential proceedings arising therefrom in the interest of justice;
- B) Pass such other or further orders as may be deemed just and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS, THE APPLICANT SHALL, AS IN DUTY BOUND, EVER PRAY."

The said application is self-explanatory.

9. It is only one case, namely, Case Crime No.415/2019 which is now pending before the concerned Sessions Court. We also find that Sections 323, 504, 427, 447 and 506 of the IPC are compoundable offences as per Section 320 of the CrPC. We find that the chargesheet may have also been filed under Sections 307 and 324 of the IPC which are non-compoundable offences. But having regard to the fact that these offences arise from the same incident and certain of these offences are now being compounded having regard to the prayers made by the respective parties, we find that in exercise of our powers under Article 142 of the Constitution of India, the offences alleged against the appellant herein under Sections 307 and 324 IPC shall also be quashed as the other offences alleged against the appellant herein are compoundable under Section 320 of the CrPC.

10. Consequently, we accept the prayers sought for by

respondent no.2 and allow the application filed under Article 142 of the Constitution of India. Consequently, the proceedings in Case Crime No.415/2019 under Sections 307, 323, 504, 324, 427, 447 and 506 of the Indian Penal Code, 1860 (IPC), Police Station - Shahganj, District - Jaunpur pending in the Court of learned Judicial Magistrate, Ist Court No.17, Jaunpur stand quashed. As a result, the impugned order is set aside.

11. The appeal is allowed and disposed of in the aforesaid terms.

Pending application (s) shall stand disposed of.

.....J.
(B.V. NAGARATHNA)

.....J.
(SATISH CHANDRA SHARMA)

NEW DELHI;
MAY 07, 2025.

