2/6/25

OFFICE OF THE DISTRICT JUDGE, PRAYAGRAJ.

Admin. Order No. 391 **Dated : May** 31, 2025

ORDER

While enclosing pdf copy of **Order/Judgement dt. 05.04.2025** passed by Hon'ble High Court in **Application u/s 482 No. 31758 of 2024, Gulshan And 2 Others Vs. State of U.P. and Another,** vide Hon'ble High Court's **Letter No. 6738/Admin. G-II Dt. 30/05/2025**, it has been communicated that during the course of hearing aforementioned case, Hon'ble Court has **considered the delay in receiving the verification report and on examining the reason of delay**, Hon'ble Court has issued certain directions to all the Criminal Courts of Uttar Pradesh for ensuring that compliance reports be sent to the High Court through electronic mode unless directed otherwise. In view of the above, it has been directed by Hon'ble Court that the **Compliance Reports or other documents which are required to be sent to Hon'ble High Court by criminal courts should normally be sent through electronic mode to the email of the concerned section of the High Court or email of the Registrar (Compliance) unless directed otherwise**.

2. In compliance of aforesaid directions of Hon'ble Court in letter and spirit, following Order is being passed with immediate effect:

(i) The System Officer is directed to provide pdf copy of **Order/Judgement dt. 05.04.2025** passed by Hon'ble High Court in **Application u/s 482 No. 31758 of 2024, Gulshan And 2 Others Vs. State of U.P. and Another,** along with soft copy of vide Hon'ble High Court's **Letter No. 6738/Admin. G-II Dt. 30/05/2025** to all the Judicial Officers of Prayagraj Judgeship **for ensuring strict compliance of Hon'ble High Court's above directions**, in its exactness.

(ii) A hard-copy of **Order/Judgement dt. 05.04.2025** passed by Hon'ble High Court in **Application u/s 482 No. 31758 of 2024, Gulshan And 2 Others Vs. State of U.P. and Another,** along with soft copy of vide Hon'ble High Court's **Letter No. 6738/Admin. G-II Dt. 30/05/2025** be also circulated among all the Judicial Officers of Prayagraj Judgeship, for ensuring strict compliance of Hon'ble Court's above direction, in letter and spirit, without any slippage.

(iii) The Presiding Officers of all the Criminal Courts of the Judgeship are hereby directed that **Compliance Reports or other documents which are required to be sent to Hon'ble High Court should normally be sent through electronic mode to the email of the concerned section of the High Court or email of the Registrar (Compliance) unless directed otherwise**.

Inform all concerned.

(**Sanjiv Kumar**)
District Judge,
Prayagraj.

Dated : May 31, 2025

Through e-mail

From,

Rajeev Bharti, HJS
Registrar General
High Court of Judicature at,
Allahabad

To,

All the District and Sessions Judges/OSD
All the Principal Judges, Family Courts
All the Presiding Officers of Commercial Courts, MACTs & LARRAs
State of Uttar Pradesh

No. 6738 **/Admin. G-II** **Dated:** 30/05 **/2025**

Sub: Regarding compliance of order/ judgement dated 05.04.2025 passed by this Hon'ble Court in Application u/s 482 No. 31758 of 2024, Gulshan And 2 Others Vs. State of U.P. and Another.

Madam/ Sir,

During the course of hearing afore-mentioned case, Hon'ble Court has **considered the delay in receiving the verification report and on examining the reason of delay,** Hon'ble Court has issued certain directions to all the **Criminal Courts** of Uttar Pradesh for ensuring that compliance reports be sent to the High Court through electronic mode unless directed otherwise.

It has been directed by Hon'ble Court that the ***Compliance Reports or other documents which are required to be sent to High Court by criminal courts should normally be sent through electronic mode to the email of the concerned section of the High Court or email of the Registrar (Compliance) unless directed otherwise.***

In this regard, while enclosing copy of order dated **05.04.2025** passed by this Hon'ble Court, I am directed to request you to communicate the directions issued by Hon'ble Court to all the concerned and ensure strict compliance of the same, in letter and spirit.

Encl. As above

With Regards,

Your faithfully,

29/5/25
Registrar General

No. **/Admin. G-II** **Dated:** **/2025**

copy to **Registrar(Compliance), High Court, Allahabad** for information and necessary action.

Joint Registrar(J)(Inspection)

Neutral Citation No. - 2025:AHC:48985

Court No. - 75

Case :- APPLICATION U/S 482 No. - 31758 of 2024

Applicant :- Gulshan And 2 Others
Opposite Party :- State of U.P. and Another
Counsel for Applicant :- Krishna Kant Dubey,Santosh Kumar Dubey
Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Personal affidavit filed by Sri Manoj Kumar Singh on behalf of Post Master General, Prayagraj, is taken on record.

2. Heard Sri Santosh Kumar Dubey assisted by Sri Krishna Kant Dubey, learned counsel for the applicants, Sri Manoj Kumar Singh, learned counsel for the postal department, Sri Sudarshan Singh, learned counsel for the Railways and Sri Rajeev Kumar Singh, learned A.G.A. for the State.

3. The present application has been filed to quash the entire proceeding including charge-sheet dated 21.07.2014 as well as cognizance order dated 05.09.2014 in Case No. 56 of 2017 (State Vs. Gulshan and others) registered with Case Crime No. 54 of 2014 under sections 498-A, 323, 504, 506 I.P.C. and ¾ of Dowry Prohibition Act, Police Station- Mahila Thana, District- Gautam Buddh Nagar, pending in the court of learned Civil Judge (J.D.)/F.T.C., Gautam Buddh Nagar, on the basis of compromise dated 02.09.2024.

4. In pursuance of earlier order of this Court dated 27.03.2025, Mr. Rajiv Umrao, Post Master General, Prayagraj as well as Mr. Pankaj Jaiswal, Registrar (J) Budget, Incharge, Central Dak, High Court, Allahabad, are present.

5. In the personal affidavit filed by Post Master General, Prayagraj, it has been mentioned in paragraph no. 4 that due to Maha Kumbh, 2025, mail bags and parcels of Postal Department remained stuck at the Prayagraj railway station and because of the restriction on traffic movement, mail bags could not be removed from the parcel house of the postal department at the

railway station and for that reason, the envelope containing the verification report was delivered after a delay of about one month. It is also mentioned in paragraph nos. 5 (iii) and 5 (iv) of the above personal affidavit that Postal Department had also sent a letter to the Station Director, North Central Railway, Prayagraj Junction, Prayagraj on 24.01.2025 as well as a letter to the Divisional Railway Manager, North Central Railway, Prayagraj Junction, Prayagraj on 12.02.2025 seeking permission to remove the mail bags from railway station through hand trucks/trolley but such permission was not granted in writing, and for that reason, about 5,000 mail bags remained stuck at the parcel house of the railway station. This Court considering the seriousness of the issue also called upon the Station Director, North Central Railway, Prayagraj Junction, Prayagraj and posted the matter at 12 p.m.

6. The Registrar (J) Budget, Incharge, Central Dak, High Court, Allahabad, has also apprised the Court that on 17.03.2025, Central Dak received backlog of mail bags and due to insufficient staff, sorting and distribution of envelops took time and verification report could be placed on record of this case on 28.03.2025. He also apprised that staff of Central Dak used to maintain register manually, which also takes time and to increase the staff, letter was also sent to Registrar General. Lastly he also expressed regret on behalf of staff of Central Dak for delayed placing of the verification report on record.

7. In pursuance of the direction of this Court, Mr. V.K. Dwivedi, Station Director, North Central Railway, Prayagraj Junction, Prayagraj as well as Mr. Ajay Kumar Rai, Additional Divisional Railway Manager, North Central Railway, Prayagraj Junction, Prayagraj is present. They have apprised the Court that Railways granted permission to postal department to remove their mail bags time to time but because of heavy rush at platform, hand trolleys could not have been moved freely and for that reason, all the postal mail bags could not be removed from railway station.

8. From the above facts, it is clear that several documents including the verification report of the present case could not be delivered at the Central Dak, High Court, Allahabad by the postal department because of the vehicle movement restrictions at the platform. Therefore, for this delay, personal

responsibility of any officer of the postal department or Railways department cannot be fixed, but on the other hand, this Court expects that in future, registered post, meant for delivery at High Court should be given priority, as mail service is not only an essential service but disruption thereof also affects administration of justice. Therefore, this Court exempts the personal appearance of above officials.

9. In view of the facts mentioned hereinabove, it is necessary to modernise the Central Dak of High Court by using modern technology to replace the manual work with E-register and E-tracking of posts and parcels. On the other hand, it is also necessary that reports and documents, which are not bulky be sent and received from District Courts, through electronic mode in place of registered or normal postal service. Quick sharing of documents with district court will make justice delivery system fast.

10. As per Section 4 of Information Technology Act, 2000, information required to be given in writing or any typewritten or printed form, shall be deemed to have been satisfied if such information is rendered or made available in electronic form and accessible so as to be usable for a subsequent reference.

11. Apart from this, General Rule (Criminal) as well as U.P. Bharatiya Nagarik Suraksha Rules, 2024 also provides that information given through electronic mode will be sufficient compliance of sending written information. Therefore, any document sent by district courts or government departments to the High Court through email shall be sufficient compliance of furnishing information to the Court unless directed otherwise.

12. Considering the delay in receiving the verification report and on examining the reasons of delay, this Court feels it appropriate to issue following directions to all the Criminal Courts of Uttar Pradesh as well as Computer Centre of this Court :-

(i) The Compliance Reports or other documents which are required to be sent to High Court by criminal courts should normally be sent through electronic mode to the email of the concerned section of the High Court or email of the Registrar (Compliance) unless directed otherwise.

(ii) The Computer Centre of High Court is also directed to develop software module to receive and transmit the documents from and to the district courts so that the process of receiving or sending the documents through registered post be stopped and delay in receiving the documents from the district courts may be avoided.

(iii) It has been informed by Mr. Alok Kumar Mishra, System Manager, High Court, Allahabad, that most of the sections of High Court, Allahabad are having their separate email-ids but some of sections in High Court, Allahabad may not have their email-id. Therefore, C.P.C. High Court, is directed to look into this issue and create email-id of these sections in High Court so that the documents sent by the district courts could be directly received through email by the concerned section.

(iv) This Court also directs the Computer Centre, High Court, Allahabad to create necessary software for Central Dak, High Court, Allahabad so that instead of making entry manually in register, it could be made on the computer itself and track the movement of post or parcel received or forwarded by it.

(v) It is also directed that unless otherwise directed or required, all the information to the district courts shall be sent through electronic mode instead of sending the same through registered post/speed post/ordinary post so that unnecessary wastage of public money on postal stamps as well as wastage of time could be saved.

13. Now coming back to the case in hand, from the perusal of record, it appears that applicant no. 1 is husband of opposite party no. 2 and matrimonial discord between them has culminated into present proceedings which is under challenge. Now, they have settled their dispute amicably and a compromise dated 23.07.2024 has also been entered into between them which has already been verified by the court below on 16.01.2025 in pursuance of direction of this Court vide order dated 21.09.2024 passed in this case. A report was also sent by the Additional Civil Judge (Junior Division)- II/ Judicial Magistrate, Gautam Buddh Nagar dated 18.01.2025 mentioning therein that compromise between the parties has been verified.

Along with this report, verification order dated 16.01.2025 as well as copy of the verified compromise has also been annexed.

14. As the parties have settled their dispute amicably and a compromise between them has already been verified by the court below in pursuance of direction of this Court, in such circumstances, permitting to continue the impugned proceeding will amount to travesty of justice.

15. Hon'ble Apex Court in the case of **Gian Singh Vs. State of Punjab & Another; (2012) 10 SCC 303**, in paragraph No. 61 of the judgement, observed as under:-

> *"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 F.I.R may be exercised where the offender and 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 serious impact on society. Similarly, any compromise between the victim and 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 pre-dominatingly civil flavour stand on 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, 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 wrongdoer and whether to secure the ends of justice, it is appropriate that 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."

16. Hon'ble Apex Court in the case of **State of M.P. vs. Laxmi Narayan; (2019) 5 SCC 688**, observed as under:-

"15.1. the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2. such power is not to be exercised in those prosecutions which involved 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;

15.3 similarly, such power is not to be exercised for the offences under the special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

15.4. Offences under Section 307 IPC and the Arms Act, etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act, etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge-sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paras 29.6 and 29.7 of the decision of this Court in Narinder Singh [Narinder Singh v. State of Punjab, (2014) 6 SCC 466 : (2014) 3 SCC (Cri) 54] should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;"

17. From above noted judgements, it is clear that merely mentioning the section of serious offences will not refrain the court from quashing the proceeding, if on considering the material on record, offences under that section is not made out.

18. Considering the material on record, this Court finds that no serious offence is made out against the applicants, which falls in the category of mental depravity or serious offences.

19. Considering the fact as well as on perusal of record, it appears that no heinous and serious offences of mental depravity or other offences, which may affect the society in general, are made out and both the parties have amicably settled their dispute through compromise which has been duly verified by the court below as well as in view of the law laid down by the Apex Court in **Gian Singh Vs. State of Punjab & Another; (2012) 10 SCC 303, Narinder Singh & Others vs. State of Punjab & Another (2014) 6 SCC 477, State of M.P. Vs. Laxmi Narayan, (2019) 5 SCC 688 and State of M.P. vs. Dhruv Gurjar, AIR 2017 SC 1106**, the entire proceeding including charge-sheet dated 21.07.2014 as well as cognizance order dated 05.09.2014 in Case No. 56 of 2017 (State Vs. Gulshan and others) registered with Case Crime No. 54 of 2014 under sections 498-A, 323, 504, 506 I.P.C. and ¾ of Dowry Prohibition Act, Police Station- Mahila Thana, District- Gautam Buddh Nagar, pending in the court of learned Civil Judge (J.D.)/F.T.C., Gautam Buddh Nagar, on the basis of compromise dated 02.09.2024, are hereby quashed.

20. With the aforesaid directions, the application is **allowed**.

21. The Registrar (Compliance) is directed to send a copy of this order to all District Judges of Uttar Pradesh and Joint Registrar (Computer Centre) of the High Court, Allahabad.

Order Date :- 5.4.2025
KS

Digitally signed by :-
KISHAN SINHA
High Court of Judicature at Allahabad