



2025:AHC:175566

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 27526 of 2025

Bhupendra Kori And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Bharat Singh
Counsel for Opposite Party(s)	:	Shubham Jadaun, G.A.

with

APPLICATION U/S 482 No. - 35846 of 2023

Sunita Alias Sunita Kori And Another

.....Applicant(s)

Versus

State Of U.P. And Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Bharat Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 76

HON'BLE VIKRAM D. CHAUHAN, J.

1. On the consent of learned counsels for the respective parties, both the applications are being heard and decided together by a common judgment and order.

1-A. Heard learned counsel for the applicants, Sri Shubham Jadaun, learned counsel for the opposite party no.2 and learned A.G.A. for the State.

2. Application u/s 528 BNSS has been filed for quashing the entire proceedings of Case No. 298 of 2025 State Vs. Bhupendra Kori and others u/s 498A, 323, 504, 506 I.P.C. and section 3/4 D.P. Act, pending in the court of the learned Judicial Magistrate, Sambhal situated at

Chandausi arising out of case crime no. 98 of 2022, P.S. Mahila Thana, District Sambhal, further to quash the charge-sheet dated 12.2.2023 submitted in the aforesaid case and also to quash the impugned order of taking cognizance and summoning the applicants dated 19.4.2023 passed by the learned Judicial Magistrate, Sambhal situated at Chandausi, on the basis of the compromise dated 4.4.2025.

2-A. Application u/s 482 Cr.P.C. has been filed for quashing the entire proceedings of case no. 727 of 2023 State Vs. Bhupendra Kori and others u/s 498A, 323, 504, 506 I.P.C. and section 3/4 D.P. Act, pending in the court of the learned Judicial Magistrate/F.T.C. Sambhal situated at Chandausi arising out of case crime no. 98 of 2022 P.S. Mahila Thana, District Sambhal, further to quash the charge sheet dated 12.2.2023 submitted in the aforesaid case and also to quash the impugned order of taking cognizance and summoning the applicants dated 19.4.2023 passed by the learned Judicial Magistrate/F.T.C. Sambhal situated at Chandausi.

3. Learned counsel for the applicants submitted that the compromise has already been entered between the parties on 04.04.2025 and the same has been verified by the court concerned on 12.08.2025, therefore, the present case be finally decided.

4. Learned counsel for opposite party no.2 has not disputed the facts as stated by learned counsel for the applicants. He further contended that opposite party no.2 does not want to proceed with the criminal case against the applicants and the same may be quashed.

5. Learned AGA does not dispute the fact that parties have entered into settlement which is duly verified by the court concerned. It is further submitted that he would have no objection in case criminal proceedings are put to an end. He further submits that in view of settlement there is virtually no chance of any conviction being recorded in the criminal proceedings.

6. Having examined the matter in its totality, this Court is of the view that the criminal proceedings in the present case had essentially been an outcome of a matrimonial dispute; and there are no such over bearing circumstances for which the applicants ought to be prosecuted even after

the parties has entered into a settlement. Needless to observe that with the present stand of the parties in terms of their settlement, there is practically no chance of recording conviction, even if the case under the F.I.R. in question is put to trial. In other words, entire exercise of trial would only be an exercise in futility. On the contrary, looking to the nature of dispute and the fact that the disputants have compromised and want to proceed peacefully ahead, it would be in the interest of justice that criminal proceedings in question are quashed.

7. 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 to secure the ends of justice, it is appropriate that the criminal case is put to an end.

8. In view of the fact that the parties do not want to pursue the case any further as stated by them and the fact that matter has been mutually settled between the parties in view of the compromise dated 04.04.2025, no useful purpose would be served in proceeding with the matter further.

9. Thus, in view of the well settled principles of law as laid down by the Hon'ble Apex Court in ***Parbatbhai Aahir Vs. State of Gujarat (2017) 9 SCC 641, Gian Singh Vs. State of Punjab (2012) 10 SCC 303 and State of M.P. Vs. Laxmi Narayan, (2019) 5 SCC 688***, the proceedings of the aforesaid case is hereby quashed.

10. The present application is, accordingly, ***allowed***.

(Vikram D. Chauhan,J.)

September 26, 2025

S.Prakash