



2025:AHC:175523

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 37947 of 2025

Pradeep

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Brij Bhushan Upadhyay
Counsel for Opposite Party(s)	:	G.A.

Court No. - 78

HON'BLE NAND PRABHA SHUKLA, J.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

The present application under Section 528 BNSS has been filed with a prayer to allow the present application and quash the entire proceedings initiated against the applicant in pursuance of the summoning order dated 17.12.2016 issued against the applicant under Section 319 Cr.P.C., in Sessions Trial No. 573 of 2015 (State v. Chunnu Chaudhary) under Section 307 IPC arising out of Case Crime No. 390 of 2013, Police Station-Sadar Bazar, District-Agra pending in the Court of Additional District and Sessions Judge, Court No. 21, Agra on the basis of compromise dated 08.07.2025.

Learned counsel for the applicant submits that the parties have amicably settled their disputes vide compromise dated 08.07.2025, which has been placed as "Annexure No.-6" to the application. It has also been submitted that the applicant and respondent No. 2 are the real brothers. Therefore, no useful purpose would be served in continuing the proceedings before the Court concerned and the same is not only sheer wastage of time of the Court but also abuse of process of law.

Learned counsel for the opposite party No. 2 does not dispute the submissions advanced by the learned counsel for the applicants or correctness of the documents relied upon by him.

Learned A.G.A., however, submits that it is the Trial Court, which has to verify the fact as to whether the parties have entered into compromise, hence the applicants may approach the concerned Court and move an application with respect to compromise between the parties, which will be decided in accordance with law.

In view of above, without expressing any opinion on the merits of the case, applicant and opposite party No. 2 are directed to appear before the Trial Court along with original compromise deed as well as certified copy of this order within three weeks from today. It is expected that Court concerned may fix a date for the verification of the compromise and after ensuring the presence of the parties, pass an appropriate order with respect to the same in accordance with law, as expeditiously as possible, after giving opportunity of hearing to both the parties, preferably within a period of three months from the date of production of a certified copy of this order, if there is no other legal impediment. While passing the order verifying the compromise, the Court concerned shall also record the statements of the parties as to whether all the terms and conditions mentioned in the original compromise deed, so filed, have been fulfilled or not.

The Court in that scenario will allow the parties to obtain certified copy of the report as well as compromise and it will be open to the applicant to approach this Court again for quashing of the proceedings.

Till verification of compromise between the parties by the Court concerned, no coercive action shall be taken against the applicant in the aforesaid case.

With the aforesaid directions, this application is **disposed of**.

(Nand Prabha Shukla,J.)

September 26, 2025

Aditya Tripathi