



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 38040 of 2025

Ghanshyam Jaiswal And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Satyendra Kumar Tripathi
Counsel for Opposite Party(s)	:	Aman Singh Visen, G.A.

Court No. - 78

HON'BLE NAND PRABHA SHUKLA, J.

Heard learned counsel for the applicants, learned counsel for the opposite party No. 2, learned A.G.A. for the State and perused the record.

The present application under Section 528 B.N.S.S. has been filed with a prayer to allow this application and quash the entire criminal proceeding of Case No. 857 of 2001 (State vs. Ghanshyam Jaiswal and others) arising out of Case Crime No. 2A of 2001, under Sections 147, 452, 323 r/w sections 149, 504, 506(2) IPC, Police Station Bhelupur, District Varanasi, pending in the Court of Judicial Magistrate-II, Varanasi on the basis of compromise dated 22.2.2020 as made between the parties and filed before learned Additional Chief Judicial Magistrate, Court No. 3, Varanasi.

At the very outset, learned counsel for the applicants submits that the parties have settled their disputes through compromise deed dated 22.02.2020 placed as Annexure No. "4" to the present application and the original copy of the compromise deed has already been filed before the court concerned. 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 merit of the case, the applicant nos. 1 to 4 and opposite party no. 2 are directed to appear in person 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 applicants 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 applicants in the aforesaid case.

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

(Nand Prabha Shukla,J.)

September 26, 2025
Puspendra