



20250601:103574

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 28201 of 2025

Anas And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Navaneet Kumar Shukla, Shashank Shukla

Counsel for Opposite Party(s) : G.A., Rajesh Kumar Yadav

Court No. - 80

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Sri Shashank Shukla, learned counsel for the applicants, Shri Rajesh Kumar Yadav, learned counsel for the opposite party no.2 and learned AGA for the State.

2. Present application u/s 528 BNSS has been filed for quashing the entire proceedings of Criminal Case No. 674 of 2025 (State vs. Moin and others), arising out of case crime no. 33 of 2025, under Sections 87, 351(2), 64(1), 61(2) of B.N.S., Police Station Delhi Gate, District Aligarh, as well as chargesheet dated 21.04.2025 and cognizance order dated 22.05.2025 and summoning order dated 26.06.2025, pending in the court of Civil Judge (J.D.), F.T.C.-II, Aligarh.

3. It is submitted by learned counsel for the applicants that a matrimonial dispute has been converted into criminal offence. The applicant no. 3, is son-in-law of the opposite party no. 2. The parties have arrived at compromise on 17.06.2025. A copy of the compromise deed has been appended as Annexure No. 5 to the application. The divorce had taken place between the applicant no. 3 and the opposite party no. 2 and an agreement was made between the parties that no maintenance would be claimed by the daughter of the opposite party no. 2, from the applicant no. 3 and they would withdraw cases against each other. Earlier an application was moved by the opposite party no. 2 before the learned trial court for dropping the proceedings against the applicants, but the same was rejected by the learned trial court vide order dated 08.07.2025. A

copy of the same has been appended at page no. 26 of the short counter affidavit. It is further submitted that a short counter affidavit has been filed by the learned counsel for the opposite party no. 2, wherein too he admitted that settlement has taken place between the applicants and the opposite party no. 2, and his daughter, therefore, the proceedings against the applicants be quashed.

4. It is further contended that in view of the said compromise, the pending proceedings before the court concerned be quashed in the light of the Judgments of Apex Court in the case **B.S. Joshi v. State of Haryana and others, 2003(4) SCC 675, and that of Gian Singh v. State of Punjab, 2012(10) SCC 303.**

5. Learned counsel for the applicants in support of his contention has placed reliance on the judgments of Apex Court in the case of **Narinder Singh vs. State of Punjab reported in (2014) 6 SCC 466, Yogendra Yadav vs. State of Jharkhand reported in (2014) 9 SCC 653 and Parbatbhai Aahir Vs. State of Gujarat reported in (2017) 9 SCC 641** and has submitted that the applicants and opposite party no. 2 have settled their differences through compromise and as such opposite party no. 2 does not wish to press the aforesaid case against the applicants. Opposite party no. 2 is ready to withdraw the prosecution of the applicants and in view of the compromise, no fruitful purpose would be served if the prosecution is allowed to go on.

6. On the other hand, learned AGA has opposed the prayer and stated that the proceedings on the basis of compromise cannot be quashed in rape cases.

7. Learned counsel for the opposite party no.2 has accepted the contention made by the learned counsel for the applicants and accepted the fact of compromise.

8. The Apex Court in the case of **B.S Joshi (Supra)** has held that in case the dispute has come to an end, under a compromise/settlement, between the parties, then notwithstanding anything contained under Section 320 IPC there is no legal impediment for this court to quash the proceedings of Section 498-A I.P.C etc, under its inherent powers in view of the

recorded settlement between the parties. The Apex Court in the case of **Gian Singh (supra)** has held in para-61 that;

"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 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-dominantly civil favour 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 criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put 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 affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

9. In the judgment of **Ram Gopal and Another vs. State of Madhya Pradesh, (Criminal Appeal No. 1488 of 2012), decided on 29.9.2021, reported in (2022) 118 ACC 318**, the Supreme Court once again reiterated that even if the offences are non-compoundable, the High Court can quash the proceedings in exercise of its inherent powers under Section 482 CrPC, having regard to the nature of the offences and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceeding. While so holding, it has been pointed out that the High Court can indisputably evaluate the consequential effects of the offences beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyse the very object of the administration of criminal justice system. In para 14 of the said judgment, the principles have been summarized as follows: -

"14. In other words, grave or serious offences or offences which involve moral turpitude or have a harmful effect on the social and moral fabric of the society or involve matters concerning public policy, cannot be construed betwixt two individuals or groups only, for such offences have the potential to impact the society at large. Effacing abominable offences through quashing process would not only send a wrong signal to the community but may also accord an undue benefit to unscrupulous habitual or professional offenders, who can secure a 'settlement' through duress, threats, social boycotts, bribes or other dubious means. It is well said that "let no guilty man escape, if it can be avoided."

10. The Supreme Court in another judgment of **Madhukar and Others vs. The State of Maharashtra and Another, arising out of SLP (Criminal) No. 7212 of 2025, alongwith Prabhakar vs. The State of**

Maharashtra and Another, arising out of SLP (Criminal) No. 7495 of 2025, quashed the proceedings of Case Crime No.302 of 2023, dated 20.11.2023, under Sections 324, 141, 143, 147, 149, 452, 323, 504 and 506 of the Indian Penal Code, 1860 as well as quashed the proceedings of Case Crime No.304 of 2023, dated 21.11.2023, under Sections 376, 354-A, 354-D, 509 and 506 IPC on the basis of compromise between the parties. Paragraph nos.6, 7 and 8 of the said judgment are reproduced herein:-

"6. At the outset, we recognise that the offence under Section 376 IPC is undoubtedly of a grave and heinous nature. Ordinarily, quashing of proceedings involving such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly. However, the power of the Court under Section 482 CrPC to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case.

7. In the present matter, we are confronted with an unusual situation where the FIR invoking serious charges, including Section 376 IPC, was filed immediately following an earlier FIR lodged by the opposing side. This sequence of events lends a certain context to the allegations and suggests that the second FIR may have been a reactionary step. More importantly, the complainant in the second FIR has unequivocally expressed her desire not to pursue the case. She has submitted that she is now married, settled in her personal life, and continuing with the criminal proceedings would only disturb her peace and stability. Her stand is neither tentative nor ambiguous, she has consistently maintained, including through an affidavit on record, that she does not support the prosecution and wants the matter to end. The parties have also amicably resolved their differences and arrived at a mutual understanding. In these circumstances, the continuation of the trial would not serve any meaningful purpose. It would only prolong distress for all concerned, especially the complainant, and burden the Courts without the likelihood of a productive outcome.

8. Therefore, having considered the peculiar facts and circumstances of this case, and taking into account the categorical stand taken by the

complainant and the nature of the settlement, we are of the opinion that the continuation of the criminal proceedings would serve no useful purpose and would only amount to abuse of process."

11. The Hon'ble Supreme Court in another judgment of **Kapil Gupta vs. State (NCT of Delhi) and Another**), reported in **(2022) 15 SCC 44**, quashed the proceedings under Section 376 IPC on the basis of compromise between the parties and it was held by the Hon'ble Supreme Court that the victim was a young lady of 23 years and she would be faced with agony of undergoing the trial. The victim was not supporting the prosecution case even if the criminal trial is permitted to go ahead, it will end in nothing else than an acquittal. If the request of the parties is denied, it will be amounting to only adding one more criminal case to the already overburdened criminal courts. The relevant paragraphs of the **Kapil Gupta (supra)** are reproduced hereunder:-

"6. It further appears that subsequently, in the case arising out of Section 376 of the IPC, that is, FIR No.569 of 2020, the matter was amicably settled and therefore, the petition for quashing the proceedings under Section 482 of the Cr.P.C. came to be filed. By the impugned order, the High Court has dismissed the said petition.

13. It can thus be seen that this Court has clearly held that though the Court should be slow in quashing the proceedings wherein heinous and serious offences are involved, the High Court is not foreclosed from examining as to whether there exists material for incorporation of such an offence or as to whether there is sufficient evidence which if proved would lead to proving the charge for the offence charged with. The Court has also to take into consideration as to whether the settlement between the parties is going to result into harmony between them which may improve their mutual relationship.

14. The Court has further held that it is also relevant to consider as to what is stage of the proceedings. It has been observed that if an application is made at a belated stage wherein the evidence has been led and the matter is at the stage of arguments or judgment, the Court should be slow to exercise the power to quash the proceedings. However, if such an application is made at an initial stage before commencement of trial,

the said factor will weigh with the court in exercising its power.

15. The facts and circumstances as stated hereinabove are peculiar in the present case. Respondent No.2 is a young lady of 23 years. She feels that going through trial in one case, where she is a complainant and in the other case, wherein she is the accused would rob the prime of her youth. She feels that if she is made to face the trial rather than getting any relief, she would be faced with agony of undergoing the trial.

16. In both the cases, though the charge sheets have been filed, the charges are yet to be framed and as such, the trial has not yet commenced. It is further to be noted that since the respondent No.2 herself is not supporting the prosecution case, even if the criminal trial is permitted to go ahead, it will end in nothing else than an acquittal. If the request of the parties is denied, it will be amounting to only adding one more criminal case to the already overburdened criminal courts.

17. In that view of the matter, we find that though in a heinous or serious crime like rape, the Court should not normally exercise the powers of quashing the proceedings, in the peculiar facts and circumstances of the present case and in order to give succour to Respondent No. 2 so that she is saved from further agony of facing two criminal trials, one as a victim and one as an accused, we find that this is a fit case wherein the extraordinary powers of this Court be exercised to quash the criminal proceedings.

18. In that view of the matter, the appeal is allowed and proceedings in the criminal cases arising out of following FIRs are quashed and set aside:

- 1. FIR No.569/2020 registered at Police Station, Mehrauli, New Delhi (Rape)*
- 2. FIR No.824/2020, registered at Police Station, Mehrauli, New Delhi (Extortion)"*

12. The Hon'ble Supreme Court in the case of Shivaji Gangadhar Ingale and others vs. The State of Maharashtra, SLP (Criminal) No. 1857 of 2026 dated 11.2.2026 quashed the proceedings as well as first

information report registered under Sections 376, 377, 420, 384, 204, 504, 506, 34 IPC, Section 66 (e) of I.T. Act, 2000 on the basis of compromise affidavit / settlement between the parties. It was observed by the Hon'ble Supreme Court that the victim was an adult and has filed her affidavit before the High Court to the effect that the first information report was lodged as a mark of protest. The possibility of conviction in the changed circumstances is remote. The relevant paragraphs of **Shivaji (supra)** are reproduced hereunder:-

"8. A perusal of the materials available on record, would indicate that this is not a case of any violent sexual assault. The FIR is regarding few incidents that occurred 7-8 years ago. Admittedly, when FIR was lodged, the prosecutrix was an adult. In such circumstances, the affidavit of the prosecutrix before the High Court that FIR was lodged as a mark of protest on failure to convert their relationship into a marital bond cannot be discarded as there appears an element of truth in it. Ordinarily, heinous crimes are not to be quashed basis a settlement between the parties because they have wider ramifications as the society at large is affected. However, this appears to be a case of two persons who were in a relationship but could not convert their relationship into a marital bond due to family differences. The allegation that the prosecutrix was exploited when she was a minor would be difficult to prove because on that date POCSO Act was not in force and therefore, the benefit of presumption thereunder would not be available to the prosecution. Moreover, when FIR was lodged, prosecutrix was an adult. In such circumstances, it would be difficult to ascertain whether she was violated when she was a minor.

9. Having regard to all these circumstances including the affidavit of the prosecutrix as also that there is remote possibility of such prosecution resulting in a conviction, we are of the view that ends of justice would be best served if the impugned criminal proceedings are quashed based on the compromise affidavit. Consequently, we allow this appeal. The impugned order passed by the High Court is set aside. The FIR No.171 of 2017 and all proceedings emanating therefrom are hereby quashed."

13. I have gone through the allegations/charges against the accused/s and

I am of the opinion that these are not of such nature as would fall within the excepted class of cases where quashing the proceeding and permitting the accused to go unpunished, would have any detrimental effect on the society at large. As the parties have already settled their dispute, there is no likelihood of conviction of the applicant. In fact, the charges against the applicants stand impliedly withdrawn and abandoned, therefore, in order to secure ends of justice, the proceedings are liable to be quashed.

14. From perusal of the record, it is apparent that parties have entered into compromise and appear to have settled their real disputes amicably. Thus, it further appears that the opposite party no. 2, who would be the key prosecution witness, if the trial were to proceed, have declared their unequivocal intent to turn hostile at the trial. In such circumstances, it is apparent that merits and truth apart, the proceedings in trial, if allowed to continue, may largely be a waste of precious time by the learned court below.

15. Considering the facts and circumstances of the case and the submissions advanced by learned counsel for the parties regarding the compromise entered into between the parties and taking all these factors into consideration cumulatively, the compromise between parties be accepted and further taking into account the legal position as laid down by the Apex Court in the case of **Gian Singh v. State of Punjab, 2012(10) SCC 303, Narinder Singh vs. State of Punjab (supra), Yogendra Yadav vs. State of Jharkhand (supra) and Parbatbhai Aahir Vs. State of Gujarat (supra), Madhukar (supra), Kapil Gupta (supra) and Shivaji Gangadhar Ingale (supra)**, the entire proceedings of the aforesaid case are hereby quashed.

16. In view of the aforesaid, entire proceedings of Criminal Case No. 674 of 2025 (State vs. Moin and others), arising out of case crime no. 33 of 2025, under Sections 87, 351(2), 64(1), 61(2) of B.N.S., Police Station Delhi Gate, District Aligarh, as well as chargesheet dated 21.04.2025 and cognizance order dated 22.05.2025 and summoning order dated 26.06.2025, pending in the court of Civil Judge (J.D.), F.T.C.-II, Aligarh, are hereby quashed qua the applicants.

17. Accordingly, the application stands **allowed**.

(Vivek Kumar Singh,J.)

May 6, 2026
A.P. Pandey