2026:AHC:190996

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 38356 of 2026

Dashrath Upadhyay And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Chhaya Gupta, Sujeet Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 79

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard learned counsel for applicants and learned A.G.A. for State.

2. The instant application has been preferred for quashing the entire proceedings of Criminal Case No.13521 of 2022 (State vs. Sushil Dubey & Others) arising out of Case Crime No.337 of 2020, under Sections 147, 354Ka, 354Kha, 352, 323, 504, 506, 452 I.P.C., Police Station Mirzamurad, District Varanasi, pending before Additional Chief Judicial Magistrate, Court No.8, Varanasi, including impugned order dated 10.03.2026.

3. At the very outset, learned counsel for applicants submitted that the co-accused, namely, Ashu Upadhyay, whose role are similar and identical to the present applicants in same case crime number, preferred an **Application u/s 482 no.16357 of 2023 (Ashu Upadhyay vs. State of U.P. and Another)**, wherein this Court after considering the submissions/arguments made by learned counsel for the parties as well as the verification of compromise entered between the parties, has set-aside the entire proceedings in respect of applicant therein vide dated 26.08.2025 (Annexure no.17) and as such, the entire proceedings initiated against the applicant in the same case crime number, is also liable to be quashed by this Court on the basis of verification of compromise.

4. It is apparent from the above-mentioned order, which has been appended as Annexure No.17 to the instant application, that the same has already been adjudicated after hearing in presence of learned counsel for opposite party no.2 and as such the arguments so raised by learned counsel for opposite party no.2 now need not to be re-verified by way of issuing notice, hence

process of issue notice to opposite party no.2 is hereby dispensed with.

5. Although, learned A.G.A. opposed the prayer sought through instant application but did not dispute the fact and compromise verification report in respect of judgment and order dated 26.08.2025 passed by this Court.

6. In view of foregoing discussion and parity of the judgment and order dated 26.08.2025 passed by this Court, which is applicable in favour of applicant also, the entire proceedings of Criminal Case No.13521 of 2022 (State vs. Sushil Dubey & Others) arising out of Case Crime No.337 of 2020, under Sections 147, 354Ka, 354Kha, 352, 323, 504, 506, 452 I.P.C., Police Station Mirzamurad, District Varanasi, pending before Additional Chief Judicial Magistrate, Court No.8, Varanasi, including impugned order dated 10.03.2026, be also **set-aside in respect of applicants herein**, in the light of judgment and order dated 26.08.2025 passed in case of **Ashu Upadhyay (supra)**.

7. The instant application u/s 528 BNSS stands **allowed** accordingly.

September 11, 2026
Saif

(Saurabh Srivastava,J.)

Digitally signed by :-
SHAIKH SAIF ABDIN
High Court of Judicature at Allahabad