HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 4929 of 2026

Shiv Bhole

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Sanjeev Kumar Singh
Counsel for Opposite Party(s)	:	Saurabh Shukla, G.A.

Court No. - 79

HON'BLE MADAN PAL SINGH, J.

1. Heard learned counsel for the applicant, learned counsel for the opposite party no.2 and the learned Additional Government Advocate for the State as well as perused the entire material available on record.

2. This application under Section 528 B.N.S.S. has been filed with the prayer to quash the charge-sheet dated 12th September, 2023, cognizance/summoning order dated 16th March, 2024 as well as the entire proceedings of Criminal Case No. 34794 of 2025 (State Vs. Shiv Bhole) arising out of Case Crime No. 0237 of 2023 under Sections 363 and 366 I.P.C., Police Station-Sikriganj, District-Gorakhpur, pending in the Court of Judicial Magistrate-II, Gorakhpur, on the basis of compromised so arrived at between the parties.

3. While entertaining the present criminal application, a Coordinate Bench of this Court passed the order dated 18th August, 2026 directing the applicants to file the compromise so entered into between the parties before the trial court for its verification and the trial court was inturn directed to verify the same.

4. Pursuant to the aforesaid order, the trial court vide order dated 22nd September, 2026 has verified the compromise so arrived at between the parties, a copy of the verification report as well as an affidavit of opposite party no.2 have been brought on record by means of short counter affidavit filed on behalf of opposite party no.2 in the Court today which is taken on record.

5. Learned counsel for the applicants submits that since the

compromised so arrived at between the parties and the same has also been verified by the court below, the entire proceedings of the aforesaid criminal case be may be quashed by this Court.

6. Learned A.G.A. for the State and learned counsel for opposite party no.2 have no objection, if the proceedings in the aforesaid case are quashed.

7. This Court is not unmindful of the following judgements of the Apex Court:

(i). **B.S. Joshi and others Vs. State of Haryana and Another**; *(2003)4 SCC 675*,

(ii). **Nikhil Merchant Vs. Central Bureau of Investigation**; *(2008) 9 SCC 677,*

(iii). **Manoj Sharma Vs. State and Others**; *(2008) 16 SCC 1,*

(iv). **Gian Singh Vs. State of Punjab**; *(2012); 10 SCC 303,*

(v). **Narindra Singh and others Vs. State of Punjab;** *(2014) 6 SCC 466,*

(vi).**Dimpey Gujral W/o Vivek Gujral & Others Vs. Union Territory Thru. Administrator Chandigarh & Others**; *(2013) 11 SCC 497,*

(vii). **H.N. Pandakumar Vs. State of Karnataka**; *2025 SCC OnLine SC 38* , and

(viii). **Naushey Ali & Others Vs. State of Uttar Pradesh & Anothe**r; *(2025) 4 SCC 78.*

8. In the aforesaid judgments, the Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non compoundable offences. Reference may also be made to the decision given by this Court in **Shaifullah and Others Vs. State of U.P. & Another**; *2013 (83) ACC 278.* in which the law expounded by the Apex court in the aforesaid cases has been explained in detail.

9. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by the counsel for the parties, the court is of the considered opinion that no useful purpose shall be served by prolonging the proceedings of the above

mentioned criminal case as the parties have already settled their dispute.

10. Accordingly, the entire proceedings of Criminal Case No. 34794 of 2025 (State Vs. Shiv Bhole) arising out of Case Crime No. 0237 of 2023 under Sections 363 and 366 I.P.C., Police Station-Sikriganj, District-Gorakhpur, pending in the Court of Judicial Magistrate-II, Gorakhpur are hereby quashed.

11. The present application is, accordingly, **allowed.** There shall be no order as to costs.

October 27, 2026
Sushil/-

(Madan Pal Singh,J.)

Digitally signed by :-
SUSHIL KUMAR SINGH
High Court of Judicature at Allahabad