HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 5631 of 2025

Suresh Kumar Yadav

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ravikant Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 81

HON'BLE PRASHANT MISHRA-I, J.

1. Sri Ravikant Shukla, learned counsel for the applicant, Sri Vikrant, Advocate holding brief of Ms. Priyanka Devi, learned counsel for the Opposite Party No. 2 and learned A.G.A. for the State are present.

2. The present 528 BNSS application has been filed by the applicants for quashing the impugned order dated 30.01.2025 passed by the Additional Civil Judge/Judicial Magistrate, Kanpur Nagar in Case No. 89899 of 2022 (Maa Kusmanda Builders Private Ltd Vs. Suresh Kumar Yadav and others), under section 138 N.I. Act, Police Station- Kidwai Nagar, District Kanpur Nagar.

3. Learned counsel for the parties jointly apprised the Court that matter was referred for mediation vide order dated 24.04.2025 passed in the instant application by a Co-ordiante Bench of this Court. The mediation report is on record which shows "mediation completed and agreement enclosed". The original copy of the settlement agreement is also on record, which specifically sets out the terms and conditions of the compromise reached between the parties. The settlement agreement reflects that all the disputes and differences, in regard to the cases between the parties, have been amicably settled by the parties through the process of conciliation/mediation. 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.

4. Learned counsel appearing for the opposite party no.2 does not dispute the correctness of the submission made by learned counsel for the applicants or the correctness of the documents relied upon by him. He submits that opposite party no. 2 has no objection, if the proceedings in the aforesaid case are quashed.

5. Learned A.G.A. submitted that both the parties have settled their dispute out of the court, hence, no reason to proceed further.

6. The Hon'ble Apex Court in the case of **Narindra Singh and others Vs. State of Punjab, (2014) 6 SCC 466, Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat (2017) 9 SCC, 641, State of M.P. Vs. Laxmi Narayanan (2019) 5 SCC 688**, wherein Hon'ble 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. and another** [2013 (83) ACC 278], in which, law expounded by the Hon'ble Apex Court in the aforesaid cases has been explained in detail.

7. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by learned counsel for the parties, this Court is of the considered opinion that no useful purpose would be served by prolonging the proceedings of the above mentioned case.

8. Accordingly, the proceedings of Case No. 89899 of 2022 (Maa Kusmanda Builders Private Ltd Vs. Suresh Kumar Yadav and others), under section 138 N.I. Act, Police Station- Kidwai Nagar, District Kanpur Nagar, is hereby **quashed**.

9. This application under Section 528 B.N.S.S. is accordingly **allowed**.

10. It is made clear, that in case the terms and conditions of the settlement agreement, as mentioned above, are violated the opposite party no. 2 is at liberty to initiate action, as per provisions of law, in that regard.

(Prashant Mishra-I,J.)

October 23, 2026
Nisha

Digitally signed by :-
nisha kumari
High Court of Judicature at Allahabad