**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**APPLICATION U/S 528 BNSS No. - 12181 of 2026**

Munna And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

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| Counsel for Applicant(s) | : | Mithilesh Kumar Shukla |
| Counsel for Opposite Party(s) | : | G.A. |

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**Court No. - 81**

**HON'BLE PRASHANT MISHRA-I, J.**

**In Re:- Criminal Misc. Impleadment Application No. 1 of 2026.**

1. Heard Sri Mithilesh Kumar Shukla, learned counsel for the applicants and learned A.G.A. for the State.

2. The instant application has been filed with a prayer to implead Munesh, son of Munna Khan resident of 4A/659, Ajampada, Shahganj, District Agra, as applicant no. 3 in the array of parties in the Application U/S 528 BNSS No. 12181 of 2026.

3. Learned counsel for the applicants submits that Munesh, son of Munna Khan, resident of 4A/659, Ajampada, Shahganj, District Agra, is the husband of the victim and, due to some mistake, he could not be arrayed as an applicant in Application U/S 528 BNSS No. 12181 of 2026. He further prays that the instant application may be allowed and he may be allowed to incorporate Munesh, son of Munna Khan, resident of 4A/659, Ajampada, Shahganj, District Agra, as an applicant in Application U/S 528 BNSS No. 12181 of 2026.

4. Grounds shown are sufficient.

5. Impleadment application is allowed.

6. Necessary impleadment may be carried out during the course of the day.

**Order on Application U/S 528 BNSS No. 12181 of 2026.**

7. The instant application under Section 528 B.N.S.S. has been filed to quash the entire proceedings of the Complaint No. 1133 of 2017, Afsar v. Munesh alias Muneer and others, under Section 498A of I.P.C. and Section 4 of Dowry Prohibition Act, Police

Station- Fatehpur Sikari, District- Agra pending before the Additional Chief Judicial Magistrate, Court No. 9, Agra.

8. Learned counsel for the applicants drew the attention of this Court to the summoning order dated 02.04.2018 passed by learned trial court vide which the applicants were summoned to face trial under Sections 498A of I.P.C. and Section 4 of D.P. Act. He further drew the attention of this Court to the order dated 10.04.2026, passed by a Co-ordinate Bench of this Court, vide which the matter was referred for mediation. 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. Again, settlement agreement reflects that all the pending cases between the parties will be settled on the basis of compromise between the parties and no new case shall be instituted by any of them in relation to the instant matrimonial dispute. 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.

9. Learned A.G.A. submits that both the parties have settled their dispute out of the court, hence, there is no reason to proceed further.

10. 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.

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

12. Accordingly, the entire proceedings of the Complaint No. 1133 of 2017, Afsar v. Munesh alias Muneer and others, under Sections 498A I.P.C. and Section 4 Dowry Prohibition Act, Police Station- Fatehpur Sikari, District- Agra pending before the Additional Chief

Judicial Magistrate, Court No. 9, Agra, are hereby quashed.

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

**(Prashant Mishra-I,J.)**

**October 29, 2026**
Saurabh

Digitally signed by :-
SAURABH
High Court of Judicature at Allahabad