2026:AHC:209842

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 15484 of 2026

Rahul Saharan And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Gaurav Singh Tomar
Counsel for Opposite Party(s)	:	G.A., Mohd. Naushad

Court No. - 80

HON'BLE CHAWAN PRAKASH, J.

1. Heard Mr. Gaurav Singh Tomar, learned Counsel for the applicants, Ms. Nushra Siddiqui, learned Counsel holding brief of Mr. Mohd. Naushad, learned Counsel for the opposite party no. 2 and learned A.G.A. for the State and perused the record.

2. The present application under Section 528 BNSS has been filed with the following prayer:

"It is, therefore, Most Respectfully prayed that this Hon'ble Court may graciously be pleased to quash the entire proceedings in pursuance of impugned Charge sheet dated 05.12.2021 submitted by Investigating Officer and to quash the entire proceedings in Case No 2831 of 2023 arising out of Case Crime No. 1017 of 2021 (State of U.P. Vs. Rahul Saharan & others) under sections 498A, 323, 504, 506, 354 & 354Ka I.P.C. & 3/4 of Dowry Prohibition Act at Police Station Modi Nagar, District Ghaziabad pending in the Court of Learned Additional Chief Judicial Magistrate, Court No.5, Ghaziabad."

3. Learned Counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that marriage between applicant no.1 and opposite party no.2 was solemnized on 01.03.2011 according to Hindu rites and rituals and that two children were born out of the wedlock. Opposite party no.2 lodged an F.I.R., registered as Case Crime No. 1017 of 2021, under Sections 498A, 323, 504, 506, 354, 354Ka, I.P.C. and Section 3/4 D.P. Act at Police Station Modi Nagar, District Ghaizabad, against the applicants. After the investigation, a

charge-sheet was filed against the applicants and the learned Magistrate took cognizance thereof. He further submits that applicant no.1 filed Criminal Misc. Anticipatory Bail Application No. 9343 of 2024 and the matter was referred for mediation. The parties settled their dispute and applicant no.1 paid Rs. 15,50,000/-to the opposite party no.2 as permanent alimony. The applicant no.1 and opposite party no.2 settled their dispute amicably and filed Petition No. 1993 of of 2025 under Section 13-B of Hindu Marriage Act and before the Family Court, East District Delhi. Their marriage was dissolved by order dated 10.02.2026, therefore, the entire proceedings against the applicants may be quashed.

4. Learned Counsel for the opposite party no.2 submits that opposite party no.2 has settled the dispute, received Rs. 15,50,000/- from the applicant no.1, and has no objection to the quashing of the impugned proceedings pending against the applicants.

5. The law with regards to quashing of a case on the basis of settlement arrived between the parties is well settled. The Apex Court in the cases of **(1) B.S. Joshi and others Vs. State of Haryana and another: (2003)4 SCC 675; (2) Nikhil Merchant Vs. Central Bureau of Investigation : (2008) 9 SCC 677; (3) Manoj Sharma Vs. State and others: (2008) 16 SCC 1; (4) Gian Singh Vs. State of Punjab: (2012) 10 SCC 303; (5) Shaifullah and others Vs. State of U.P. And another: 2013 (83) ACC 278 and (6) Parbatbhai Ahir@Parbatbhai @ Bhimsinbhai Karmur and others Vs. State of Gujarat and another: (2017) 9 SCC 641** has held that the cases in which the parties have settled their grievances can be quashed.

6. Upon perusal of the records and the law laid down by the Apex Court on the subject, this is a fit case for exercising powers of this Court to quash the proceedings, as prayed for by the applicants.

7. The entire proceedings of the aforesaid case, insofar as the present to the present applicants, are hereby **quashed**.

8. The present application is **allowed**.

(Chawan Prakash,J.)

October 7, 2026
Vijay

Digitally signed by :-
VIJAY KUMAR SAHU
High Court of Judicature at Allahabad