2026:AHC:209933

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 17542 of 2026

Heera Lal And 4 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Chakrasudan Dubey, Sonam Upadhyay, Yatindra Kumar Dubey
Counsel for Opposite Party(s)	:	Abhishek Dubey, G.A., Surendra Mohan Mishra

Court No. - 77

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Mr. Yatindra Kumar Dubey, learned counsel for the applicants, Ms. Astha Sharma, holding brief of Mr. Surendra Mohan Mishra, learned counsel for the opposite party No. 2, learned A.G.A. for the State and perused the record.

2. The present application under Section 528 B.N.S.S. has been filed with a prayer to allow this application and quash the entire proceeding of Charge sheet dated 25-11-2018 including cognizance/summoning order dated 13-02-2019 in Case No. 385 of 2019 (State Vs. Heerlal and others) arising out of Case Crime No. 135 of 2018, under Sections 147, 352, 504, 506, 427 IPC, P.S.-Bhaluani, District-Deoria, pending in the court of learned Additional Chief Judicial Magistrate, Room No. 19, Deoria on the basis of compromise and to stay the further proceedings of Charge sheet dated 25-11-2018 including cognizance/ summoning order dated 13-02-2019 in the aforesaid Case.

3. Learned counsel for the applicants and learned counsel for the opposite party No. 2 submit that they have settled their dispute through compromise dated 23.07.2025, placed as Annexure No. '4' to the present application. The said compromise has been duly verified and the report was forwarded by the learned Civil Judge (Senior Division), F.T.C.-I/A.C.J.M., Deoria on 14.08.2026.

4. Learned counsel for the applicants submits that the present dispute arises between the applicants and the opposite party No. 2. It is also argued that the

parties have willingly entered into a settlement and not under duress or threat or coercion and are not interested in pursuing the matter pending in the Court concerned and, therefore, the impugned proceedings be quashed on the ground of compromise between the parties and they do not propose to file the counter affidavit and rejoinder affidavit.

5. Learned counsel for the opposite party No. 2 admits the arguments of learned counsel for the applicants and states that he has no objection if the impugned proceeding pending against the applicants, is quashed.

6. Learned A.G.A. also does not dispute the correctness of the submissions made by the learned counsel for both the parties.

7. The law with regard to quashing of a case on the basis of settlement arrived between the parties, is well settled.

8. The Hon'ble Supreme Court in its Constitutional Bench Judgment in **Gian Singh Vs. State of Punjab and Another, (2012)10 SCC 303**, has held that *"But the criminal cases having overwhelmingly and pre-dominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim."*

9. The Hon'ble Supreme Court in **Parbatbhai Ahir alias Parbatbhai Bhimsinhbhai Karmur and others vs. State of Gujarat and another, (2017) 9 SCC 641** has laid down broad principles of quashing the criminal proceedings in exercise of inherent jurisdiction on the ground that *"even in the non compoundable cases on the basis of compromise, criminal proceedings can be quashed so that valuable time of the court can be saved and utilized in other material cases."*

10. Both the parties have agreed to withdraw the proceedings pending amongst them in Court concerned. From perusal of the records and the law as cited above, the present case is a good case for exercise of power by the Court to quash summoning order as well as entire proceedings.

11. The dispute has been mutually settled between the parties to their entire satisfaction, therefore, no useful purpose would be served in allowing the prosecution to continue any longer.

12. The present application for quashing filed under Section 528 B.N.S.S. comes within the parameters as laid down by the Hon'ble Supreme Court in **Pradeep Kumar Kesarwani Vs. State of Uttar Pradesh & Another**, Criminal Appeal No. 3831 of 2025, SLP (Crl.) No. 11642 of 2019 dated 02.09.2025.

13. In view of the above, the entire proceedings against the applicants in Case No. 385 of 2019 (State Vs. Heerlal and others) arising out of Case Crime No. 135 of 2018, under Sections 147, 352, 504, 506, 427 IPC, P.S.-Bhaluani, District-Deoria, are hereby quashed.

14. The present application under Section 528 B.N.S.S. is, accordingly, **allowed**.

October 7, 2026
Shivani Sri.

(Nand Prabha Shukla,J.)

Digitally signed by :-
SHIVANI SRIVASTAVA
High Court of Judicature at Allahabad