2026:AHC:209094

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 17593 of 2026

Rajeev Kumar Chauhan

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mandvi Tripathi, Santosh Tripathi
Counsel for Opposite Party(s)	:	Umesh Maurya, G.A.

Court No. - 77

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard learned counsel for the applicants, learned counsel for the opposite party no. 2, learned AGA for the State and perused the record.

2. The present application under Section 528 BNSS has been filed by the applicants with a prayer to quash the impugned order dated 07.11.2025 passed by Learned Chief Judicial Magistrate, Ghaziabad and quash the entire proceedings of Case No.7942 of 2025 arising out of Case Crime No. 832 of 2024 (State of U.P. Vs. Rajeev Kumar Chauhan) under Sections 406 & 506 I.P.C. Police Station Kavi Nagar, District Ghaziabad pending in the court of Learned Chief Judicial Magistrate, Ghaziabad.

3. It is submitted by learned counsel for the parties that the parties appeared before the Court concerned for verification of the compromise. The said ompromise has been duly verified and the report was forwarded by the learned Chief Judicial Magistrate, Ghaziabad, on 27.08.2026.

4. Learned counsel for the applicants submits that the present dispute arises out of personal discord between the applicants and the opposite party no. 2. It is also argued that the opposite party no. 2 is not interested to pursue 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. 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."*

8. The Hon'ble Supreme Court in **Parbatbhai Ahir alias Parbatbhai Bhimsinhbhai Karmur and others vs. State of Gujara 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."*

9. 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.

10. The dispute appears to be purely of a personal nature that 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.

11. The present application for quashing filed under Section 528 BNSS 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**.

12. In view of the above, the entire proceedings of Case No.7942 of 2025 arising out of Case Crime No. 832 of 2024 (State of U.P. Vs. Rajeev Kumar Chauhan) under Sections 406 & 506 I.P.C. Police Station Kavi Nagar, District Ghaziabad pending in the court of Learned Chief Judicial Magistrate, Ghaziabad against the applicant, are hereby quashed.

13. The present application is, accordingly, ***allowed***.

(Nand Prabha Shukla,J.)

October 6, 2026
Aditya Tripathi

Digitally signed by :-
ADITYA TRIPATHI
High Court of Judicature at Allahabad