2026:AHC:211551

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**APPLICATION U/S 528 BNSS No. - 26251 of 2026**

Nitisha Sharma And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

| | | |
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| Counsel for Applicant(s) | : | M.P. Srivastava, Manoj Kumar Kushwahah |
| Counsel for Opposite Party(s) | : | G.A. |

**Court No. - 77**

**HON'BLE NAND PRABHA SHUKLA, J.**

1. Heard Mr. M.P. Srivastava, learned counsel for the applicants, Ms. Sonali Maurya, holding brief of Mr. Chaudhary Subhash Kumar, 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 the present application and to quash the entire proceeding including summoning order dated 29.04.2025 as well as charge sheet dated 21.12.2024 in Criminal Case No. 35444 of 2025 (State Vs. Sumit Sharma and others) arising out of Case Crime No. 531 of 2024, under Sections 115(2), 351(2), 352 of B.N.S., Police Station-Naubasta, District-Kanpur Nagar, pending in the Court learned Special Chief Judicial Magistrate, Kanpur Nagar and to stay the further proceedings of the aforesaid Criminal 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 05.04.2026, placed as Annexure No. '4' to the present application. The said compromise has been duly verified and the report was forwarded by the learned Special C.J.M., Kanpur Nagar on 17.08.2026.

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 Criminal Case No. 35444 of 2025 (State Vs. Sumit Sharma and others) arising out of Case Crime No. 531 of 2024, under Sections 115(2), 351(2), 352 of B.N.S., Police Station-Naubasta, District-Kanpur Nagar, are hereby quashed.

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

**October 8, 2026**
Shivani Sri.

**(Nand Prabha Shukla,J.)**

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