2026:AHC:207779

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 23116 of 2026

Gaurav Sharma And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Amit Kumar, Manjeet Kumar
Counsel for Opposite Party(s)	:	Avinash Chandra Srivastava, G.A.

Court No. - 75

HON'BLE SANJAY KUMAR PACHORI, J.

1. The present application under Section 528 BNSS, 2023 has been filed for quashing of the entire proceedings of Complaint Case No. 3952 of 2025, Police Station Indrapuram, District Ghaziabad as well as cognizance/ summoning order dated 19.01.2026, by which the learned Magistrate took cognizance under Section 12 D.V. Act, pending in the court of Chief Judicial Magistrate, Ghaziabad in terms of the compromise arrived at between the parties.

2. Learned counsel for both the parties submitted that parties settled their dispute by way of mediation which was successfully completed on 18.9.2026 between the parties before Mediation and Conciliation Center of this court, which has been sent to decide other matrimonial case in Application U/s 528 of BNSS No.20298 of 2026. As per statements, one petition under Section 13-B of Hindu Marriage Act is pending for second motion between the parties. A compromise has been verified in pursuance of the order of co-ordinate Bench of this Court. A certified copy of the verified compromise as well as verification proceedings has been filed as Annexure No. 3 of the affidavit.

3. Learned counsel for the opposite party no. 2 argued that as the applicants have already arrived at amicable settlement on 12.3.2026, therefore, opposite party no. 2 is no more interested to pursue the case any more against the applicants.

4. Heard, Sri Manjeet Kumar, learned counsel for the applicants, Sri Avinash Chandra Srivastava, learned counsel for the opposite party no. 2 and Sri S.P.

Maurya, learned A.G.A. for the State are present.

5. The case is related to matrimonial dispute, both the parties are husband and wife and settled their matrimonial dispute. A decree of mutual divorce is pending for second motion between the parties. Both the parties entered into an amicable settlement, and fact of compromise has been confirmed and admitted by learned counsel for the parties and has jointly submitted that in the interest of justice the proceedings may be quashed in the light of the compromise.

6. Keeping in mind, the law laid down by the Supreme Court in **Gian Singh v. State of Punjab & another, (2012) 10 SCC 303; Madhavrao Jiwajirao Scindia v. Sambhajirao Chandraojirao Angre, (1988) 1 SCC 692 and Parbathbhai Aahir @ Parbatbhai Bhimsinghbhai Karmur & Others v. State of Gujarat & another, (2017) 9 SCC 641** and facts, circumstances of the case, the present application under Section 528 of BNSS is allowed.

7. The entire proceedings of Complaint Case No. 3952 of 2025, as well as cognizance/ summoning order dated 19.01.2026, by which the learned Magistrate took cognizance under Section 12 D.V. Act, Police Station- Indrapuram, District- Ghaziabad, pending in the court of Chief Judicial Magistrate, Ghaziabad, is hereby quashed.

8. This order is being passed by this Court after hearing the contesting parties. If at all, opposite party no. 2 feels that he has been duped or betrayed, then in that event, she may file recall application explaining the reasons for filing the said application.

9. The parties may file the certified copy of this order before the court concerned within four weeks from today.

10. Interim order, if any, stands vacated.

October 5, 2026
KJ

(Sanjay Kumar Pachori,J.)

Digitally signed by :-
KAMARJAHAN ANSARI
High Court of Judicature at Allahabad