2026:AHC:234689

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 28515 of 2026

Rohit @ Chotu @ Rohit Kumar And 3 Others

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Irshad Ahmad
Counsel for Opposite Party(s)	:	G.A., Mohd Akram

Court No. - 77

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Mr. Irshad Ahmad, learned counsel for the applicants and Mr. Mohd. Ashraf, holding brief of Mr. Mohd. Akram, learned counsel for the opposite party Nos. 3 and 4 and learned AGA for the State-respondents and perused the record.

2. The present application under Section 528 BNSS, has been filed with a prayer to quash the entire proceedings of the Case No. 230 of 2025 (State Vs. Rohit @ Chotu and Others) and also quash the charge sheet dated 17.12.2019, under Section 323, 504, 308 IPC, arising out of Case Crime No. 348 of 2019, Police Station- Kakadev, District- Kanpur Nagar, pending in the court of learned Special Judge Kanpur Nagar.

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 compromise has been duly verified and the report was forwarded by the Special Judge, E.C. Act/ Additional Sessions Judge, Court No.4, Kanpur Nagar on 13.08.2026

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, he entire proceedings of the Case No. 230 of 2025 (State Vs. Rohit @ Chotu and Others) and also quash the charge sheet dated 17.12.2019, under Section 323, 504, 308 IPC, arising out of Case Crime No. 348 of 2019, Police Station- Kakadev, District- Kanpur Nagar, pending in the court of learned Special Judge Kanpur Nagar agai nst the applicants, are hereby quashed.

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

(Nand Prabha Shukla,J.)

November 16, 2026
Priyanka

Digitally signed by :-
PRIYANKA KUSHWAHA
High Court of Judicature at Allahabad