2026:AHC:209164

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 28912 of 2026

Shahjad And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rahul Shukla
Counsel for Opposite Party(s)	:	G.A., Mahendra Tripathi

Court No. - 82

HON'BLE JAI PRAKASH TIWARI, J.

1. The present case has been taken up out of turn under the category of mention cases.

2. Heard learned counsel for applicants, learned counsel for O.P. No.2 as well as the learned AGA for the State and perused the record.

3. This application u/s 482 Cr.P.C. has been filed with the prayer to quash the chargesheet No. 294 of 2013 dated 07.11.2013 and Cognizance order dated 14.11.2013 as well as entire proceedings of Case No. 4051 of 2013 (State vs. Shahjad Ali and another) arising out of Case Crime No. 784 and 2013 under Sections 323, 326-B, 504, 506 I.P.C., P.S. Phase-2 Noida, District Gautam Buddh Nagar on the basis of compromise, so far it relates to the present applicants.

4. Learned counsel for the applicants submits that another Application U/s 528 BNSS No. 42709 of 2025 has been filed on behalf of present applicants regarding the same issue and the co-ordinate Bench of this Court vide order dated 25.03.2026 disposed of the application directing the court concerned to verify the compromise deed executed between the parties in presence of both the parties. In compliance of the said order dated 25.03.2026 passed by co-ordinate Bench of this Court the applicants filed compromise deed before the court of II-Additional District Judge, Gautam Buddh Nagar and the concerned court vide its order dated 21.05.2026 verified the said compromise in the presence of the applicants and opposite party no.2; a certified copy of the compromise verification has been annexed as Annexure- 9 to the instant bail application.

5. Learned A.G.A. has submitted that since the parties have entered into compromise, which has also been verified by the trial court, therefore, no useful purpose would be served if the proceedings of the aforesaid case go on further.

6. Learned counsel for the opposite party No. 2, is also present. He has no objection to the statement, made above.

7. Hon'ble the Supreme Court in the case of **Gian Singh Vs. State of Punjab reported in (2012) 10 SCC 303** has considered the inherent jurisdiction of the High Court vis a vis Section 320 of the Code of Criminal Procedure for considering the compromise entered into the parties and in a non compoundable case and observed that the inherent jurisdiction of the High Court is to be exercised to secure the ends of justice and to prevent the abuse of process of Court. The relevant paragraph 61, which reflects the birds eye view of the case in which the High Court ought to exercise the power to quash the proceedings is reiterated underneath:-

> *".....the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences Under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominatingly civil favour 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. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding....."

8. In view of the above, it is deemed proper and meet the ends of justice that the proceeding of the aforementioned case be quashed.

9. The present 528 BNSS application stands **allowed**, keeping in view the compromise made by the applicants as well as opposite party no.2.

10. The entire proceeding of chargesheet No. 294 of 2013 dated 07.11.2013 and cognizance order dated 14.11.2013 as well as entire proceedings of Case No. 4051 of 2013 (State vs. Shahjad Ali and another) arising out of Case Crime No. 784 and 2013 under Sections 323, 326-B, 504, 506 I.P.C., P.S. Phase-2 Noida, District Gautam Buddh Nagar is hereby **quashed,** so far as it relates to the applicants herein.

(Jai Prakash Tiwari,J.)

October 6, 2026
KK Patel

Digitally signed by :-
KRISHN KANT PATEL
High Court of Judicature at Allahabad