HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 36733 of 2026

Amit And 13 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Safiullah
Counsel for Opposite Party(s)	:	G.A.

Court No. - 77

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Mr. Safiullah, learned counsel for the applicants, 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 this application and quash the cognizance/summoning order dated 09.01.2020 passed by learned Additional Chief Judicial Magistrate, Chandausi at Sambhal as well as quash the entire criminal proceeding of Case No. 39 of 2020 (State Vs. Mohan and others), arising out of Case Crime No. 126 of 2019, under Sections 147, 148, 149, 307, 336, 323, 504, 506 IPC and Section 7 of Criminal Law Amendment Act as well as charge sheet No. 225 of 2019 (dated 20.6.2019), Police Station-Bahjoi, District-Sambhal and to stay the proceeding of the aforesaid Case.

3. Learned counsel for the applicants submits that the parties have settled their dispute through compromise and the said compromise has been duly verified and the report was forwarded by the learned Additional Chief Judicial Magistrate, Chandausi at Sambhal on 24.9.2026.

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 A.G.A. does not dispute the correctness of the submissions made by the learned counsel for the parties.

6. The law with regard to quashing of a case on the basis of settlement arrived between the parties, is well settled.

The law with regard to quashing of a case on the basis of settlement arrived between the parties, is well settled. In the case of State of **Madhya Pradesh Vs.Laxmi Narayan (2019) 5 SCC 688** held as follows:

"15.1 That the power conferred under Section 482 of the Code to quash the criminal proceedings for the non- compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

15.2. Such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

15.3 Similarly, such power is not to be exercised for the offences under the special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

15.4 Offences under Section 307 IPC and the Arms Act etc. rwould fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected

sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove"

7. 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 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."*

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 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 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.

12. In view of the above, the entire proceedings against the applicants in Case No. 39 of 2020 (State Vs. Mohan and others), arising out of Case Crime No. 126 of 2019, under Sections 147, 148, 149, 307, 336, 323, 504, 506 IPC and Section 7 of Criminal Law Amendment Act as well as charge sheet No. 225 of 2019 (dated 20.6.2019), Police Station-Bahjoi, District-Sambhal, are hereby quashed.

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

October 23, 2026
Gss

(Nand Prabha Shukla,J.)

Digitally signed by :-
GIRAJA SHANKER SHARMA
High Court of Judicature at Allahabad