2026:AHC:231328

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 37709 of 2026

Gajendra And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Sapan Kumar Singh
Counsel for Opposite Party(s)	:	Ravindra Singh, G.A.

Court No. - 76

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard learned counsel for the parties.

2. The present application has been filed to quash the charge-sheet dated 16.07.2017, cognizance/summoning order dated 23.02.2019 and the entire proceedings of S.T. No.5092 of 2019, (State Vs. Gajendra and others), arising out of Case Crime No.359 of 2017, U/s 323, 504, 308 IPC, P.S. Bahjoi, District Sambhal, pending in the court of learned Additional Chief Judicial Magistrate, Sambhal.

3. At the very outset, learned counsel for applicants submitted that compromise has already been preferred and the same has also been verified by learned Additional Chief Judicial Magistrate, Sambhal on dated 24.09.2026, which has been appended with supplementary affidavit preferred on behalf of the applicants, this fact has also been ascertained and seconded by learned counsel for opposite parties.

4. The parties have amicably settled their dispute and fact of compromise has been confirmed and admitted by learned counsel for opposite parties and jointly submitted that there would be no harm and error and would be in the interest of justice that the proceedings may be quashed in light of the compromise.

5. A three-Judge Bench of the Supreme Court in **Gian Singh v. State of Punjab & another, (2012) 10 SCC 303**, has observed in para 58 of the said judgment that where the High Court quashes a criminal proceeding

having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is resorted; securing the ends of justice being the ultimate guiding factor.

6. In the case of **Madhavrao Jiwajirao Scindia v. Sambhajirao Chandraojirao Angre, [(1988) 1 SCC 692]**, Hon'ble the Apex Court has also observed that where matters are also of civil nature i.e. matrimonial, family disputes, etc. the Court may consider "special facts", "special feature" and quash the criminal proceeding to encourage genuine settlement of disputes between the parties.

7. Keeping in mind the position of law and facts, circumstances of the case, charge-sheet dated 16.07.2017, cognizance/summoning order dated 23.02.2019 and the entire proceedings of S.T. No.5092 of 2019, (State Vs. Gajendra and others), arising out of Case Crime No.359 of 2017, U/s 323, 504, 308 IPC, P.S. Bahjoi, District Sambhal, pending in the court of learned Additional Chief Judicial Magistrate, Sambhal, are hereby **quashed**.

8. Accordingly, the present application stands **allowed**.

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

November 2, 2026
Ashish/-

(Saurabh Srivastava,J.)

Digitally signed by :-
ASHISH KUMAR SINGH
High Court of Judicature at Allahabad