HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 37308 of 2026

Saurabh @ Rishi Marothiya And 5 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Vikas Tiwari
Counsel for Opposite Party(s)	:	Akhand Pratap Tripathi, G.A., Jai Kumar

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Court No. - 80

HON'BLE PADAM NARAIN MISHRA, J.

1. Supplementary affidavit filed on behalf of the applicants today in Court is taken on record.

2. The present application under Section 528 of BNSS has been filed by the applicants seeking quashing of the entire proceedings of Criminal Case No. 12149 of 2023 (State Vs. Saurabh @ Rishi Marothiya & others) arising out of Case Crime No. 455 of 2021, under Sections 498-A, 323, 506 IPC and 3/4 D.P. Act, Police Station - Kotwali, District Jhansi, pending in the court of Chief Judicial Magistrate, Jhansi.

3. Learned counsel for both the parties submitted that the parties have settled their dispute by way of compromise dated 25.08.2026 which has been verified on 25.09.2026 in pursuance of order dated 08.09.2026 passed by the co-ordinate Bench of this Court and the photo copies of certified copies of the verified compromise as well as verification proceedings have been sent by the trial court concerned, which is on record.

4. Learned AGA for the State and learned counsel for the opposite party no. 2 jointly argued that as the parties have already arrived at amicable settlement on 25.08.2026 in the aforesaid case and, therefore, opposite party no. 2 is no more interested to pursue the case any more against the applicants, they have no objection for the same.

5. Heard learned counsel for the applicants, learned counsel for the opposite party no. 2 and learned AGA for the State.

6. A three-Judge Bench of the Supreme Court in **Gian Singh v. State of Punjab & another, (2012) 10 SCC 303,** has observed that: (SCC p.340, para 58)

"58. 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."*

7. Keeping in mind the position of law and facts, circumstances of the case, the present application under Section 528 BNSS stands **allowed**.

8. The entire proceedings of Criminal Case No. 12149 of 2023 (State Vs. Saurabh @ Rishi Marothiya & others) arising out of Case Crime No. 455 of 2021, under Sections 498-A, 323, 506 IPC and 3/4 D.P. Act, Police Station - Kotwali, District Jhansi, pending in the court of Chief Judicial Magistrate, Jhansi, is hereby **quashed**.

9. This order is being passed by this Court after hearing the contesting parties. If at all, 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.

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

October 23, 2026
Rama Kant

(Padam Narain Mishra,J.)

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