2026:AHC:208360

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL APPEAL No. - 10138 of 2026

Arvind And 2 Others

.....Appellant(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Ronak Chaturvedi
Counsel for Respondent(s)	:	G.A.

Court No. - 91

HON'BLE SANTOSH RAI, J.

1. Heard Shri Ronak Chaturvedi, learned counsel for the appellants, Shri Abhishek Singh, learned counsel for O.P. Nos.2 and 3, and learned AGA for the State.

2. The present criminal appeal has been filed by the appellants against the impugned order dated 15.06.2026 passed by learned Special Judge (S.C./S.T. Act), Bijnor in Sessions Trial No.2512 of 2025 (State vs. Arvind and others) arising out of Case Crime No.362 of 2025 under Sections 333, 115(2), 352 and 110 of BNS and Section 3(2)(va) of the SC/ST Act, Police Station- Syohara, District- Bijnor, by which application no.21-kha filed by the appellant was rejected.

3. Learned counsel for the applicants submits that the applicants had filed Application No. 21-Kha before the learned trial court, bringing on record the compromise entered into between the parties. The learned trial court, however, vide order dated 15.06.2026, rejected the said application. The relevant portion of the order is extracted hereinbelow:

> *"From the perusal of the record, it is obvious that the accused have been charged under Section 110, 115(2), 333, 352 BNS and 3(2)5a SC/ST Act. Since the aforesaid offences are not compoundable as per the provisions of BNSS, consequently, taking the compromise on record would serve no legal purpose in the present case. Accordingly, application no. 21-Kha is rejected. Put up on dated 29-06-2026 for prosecution evidence. Witness Muskan is summoned through BW-5,000/-."*

4. Learned counsel for the applicants further submits that the learned trial court was required to verify the compromise brought on record through Application No. 21-Kha and, thereafter, consider the effect thereof in accordance with law. It is contended that, instead of undertaking such verification and consideration, the learned trial court has illegally rejected the application.

5. Having perused the impugned order and considered the nature of the offences involved in the present case, it appears that the charge-sheet has been submitted under Sections 110, 115(2), 333, 352-B of the BNS and Section 3(2)(va) of the SC/ST Act. The power of the trial court to permit compounding of offences is circumscribed by the provisions of Section 359 of the BNSS. Such power can be exercised only in respect of offences which fall within the category of compoundable offences in accordance with the said provision. In the present case, the applicants are facing prosecution not only for offences under the BNS but also under Section 3(2)(va) of the SC/ST Act. The offences for which the applicants are being prosecuted are not compoundable in the manner sought by the applicants before the learned trial court. Consequently, the learned trial court had no jurisdiction to permit the compromise to operate as a basis for compounding the offences.

6. In view of the aforesaid facts and circumstances, this Court finds that the learned trial court has rightly exercised the judicial discretion vested in it and has committed no illegality or infirmity in rejecting Application No. 21-Kha filed by the applicants. The impugned order, therefore, does not call for any interference.

7. The appeal is, accordingly, **dismissed**.

8. Registrar (Compliance) is directed to serve a copy of this order by FAX/e-mail to the court concerned through District & Sessions Judge, Bjnor within 48 hours.

(Santosh Rai,J.)

October 6, 2026
Ankit.

Digitally signed by :-
ANKIT VISHWAKARMA
High Court of Judicature at Allahabad