HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 42534 of 2025

Sahil Chauhan And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Narayan Singh(Kushwaha)
Counsel for Opposite Party(s)	:	G.A.

Court No. - 79

HON'BLE MADAN PAL SINGH, J.

1. Heard learned counsel for the parties and perused the entire material available on record.

2. The present application has been filed by the applicants to quash the quash entire proceeding of Criminal Case No. 5592 of 2023 as well as Session Case No. 693 of 2024 (State Versus Sahil Chauhan and another) arising out of Case Crime No. 127 of 2022, under sections 147, 341, 307, 323, 504, 427. I.P.C. Police Station Rijor, District Etah, pending in the court of learned Special Judge(SC/ST(P.A.) Act. 1989) Etah, District Etah,

3. Since the matter was referred to the High Court Mediation and Conciliation Centre, Allahabad in an Application u/s 482 Cr.P.C. No. 8535 of 2024 by a Coordinate Bench of this Court vide order dated 10.05.2024.

4. Today on the matter being taken up, learned counsel for the parties submit that pursuant to the order dated 10.05.2024, both the parties appeared before the High Court Mediation and Conciliation Centre, Allahabad and both the parties have entered into settlement agreement before the Mediation Centre on 19.02.2025. The certified copy of the final agreement settlement dated 19.02.2025 has also been brought on record alongwith the present application.

5. For ready reference, the relevant paragraph no.7 of the final settlement agreement is quoted as under:

7) In view of the Interim Settlement Agreements dated 30.08.2024, 27.09.2024 & 25.10.2024, the following settlement has been arrived at between the Parties hereto:-

a) That both the parties have agreed to live separately and mutually settled to dissolve their marriage and in this regard they have filed a petition u/s 13-B of the Hindu Marriage Act before the Principal Judge, Family Court, Etah and the same is registered as Marriage Petition No. 474 of 2024. The parties shall produce certified copy of the aforesaid divorce petition before the Hon'ble High Court at the time of hearing.

b) That it has been agreed between the parties that the applicant no. 1-husband shall pay an amount of Rs. 11,00,000/- (Rupees Eleven Lakh only) to the wife towards permanent alimony including Stridhan and all other financial claims that may accrue against the applicant no. 1-husband and his family members. The aforesaid amount shall be paid by way of demand drafts.

c) That on 27.09.2024, the applicant no. 1-husband has produced a demand draft bearing no. 516493 dated 21.09.2024 drawn on State Bank of India for Rs.5,00,000/- (Rupees Five Lakh only) in favour of Priya Chauhan (wife) which is kept on record and the same has been handed over to the wife today i.e. 22.11.2024 and she has acknowledged the receipt of the same.

d) That the demand draft mentioned in paragraph no. 7(c) of the 3rd Interim Settlement dated 25.10.2024 has been expired during the pendency of the mediation proceedings, hence the same has been handed over/returned to the applicant no. 1-husband and he has acknowledged the receipt of the same and in lieu thereof applicant no. 1-husband has handed over a fresh demand draft to the O.P. No. 2-wife bearing D.D. no. 516615 dated 14.11.2024 for Rs.1,00,000/- (Rupees-One Lakh only) drawn on State Bank of India in favour of Priya Chauhan (wife) and she has acknowledged the receipt of the same.

e) That it has been agreed between the parties that the remaining amount i.e. Rs.5,00,000/- (Rupees Five Lakh only) shall be paid by Atul Kumar (Applicant No. 1-Husband) to Smt. Priya Chauhan (O.P. No. 2-Wife) at the time of final judgment in Marriage Petition No. 474 of 2024 pending in Family Court, Etah by way of demand draft.

f) That the parties moved withdrawal application in the cases filed by them against each other and and the parties shall produce certified copy of the aforesaid withdrawal applications before the Hon'ble High Court at the time of hearing. The details of the cases are as under:-

i. Case No. 115/2022 (Smt. Priya Chauhan Vs. Sri Atul Kumar) filed u/s 125 of Cr.P.C.

ii. Case No. 13116 of 2022 (Udaibhan Singh Vs. Atul Kumar & Others) filed u/s 323, 506 of I.P.C.

iii. S.C. No. 693 of 2024 (State Vs. Sahil Chauhan & Others) filed u/s 147, 341, 307, 323, 504, 427 of I.P.C.

g) That Smt. Priya Chauhan (wife) moved withdrawal application in Case Crime No. 475 of 2022, u/s 498-A, 452, 323, 504, 506 I.P.C., Police Station-Kotwali Nagar before the Chief Judicial Magistrate, Etah and the same was disposed of by the court concerned after certain observation. In the meantime a writ petition bearing Criminal Misc. Writ Petition No. 6043 of 2024 moved by Atul Kumar-husband, however due to some confusion it was declared infructuous thereupon a recall appplication being moved by Atul Kumar and the same was allowed and the same has been restored.

h) That the Respondent no. 3 shall have no objection, if the Hon'ble Court pleases to allow the Criminal Misc. Writ Petition No. 6043 of 2024 on the basis of this present settlement.

i) That it has also been agreed between the parties that apart from the cases mentioned in this settlement, if any, civil and criminal cases filed by them against each other regarding present matrimonial dispute shall be withdrawn by the parties concerned by taking appropriate steps.

j) That the parties will not file any fresh case against each other in respect of this matrimonial dispute. They have no claim against each other in future also.

k) That this settlement had been read over and explained to the parties in Hindi in presence of their respective counsels, thereafter, they have signed the settlement."

6. In view of the above Settlement Agreement, learned counsel for the applicants with reference to the statement of both the parties recorded in settlement agreement that by signing this Agreement the parties hereto state that they have no further claim against each other with respect to the present application and all disputes and differences in this regard have been amicably settled by the parties hereto through the process of

Conciliation/Mediation, the entire proceedings of the aforesaid criminal case may be quashed by this Court.

7. Learned counsel for the opposite party no. 2 as well as learned AGA could not dispute the above submission made by the learned counsel for the applicants.

8. This Court is not unmindful of the following judgements of the Apex Court:

1. B.S. Joshi and others Vs. State of Haryana and Another; (2003)4 SCC 675, 2. Nikhil Merchant Vs. Central Bureau of Investigation; (2008) 9 SCC 677, 3. Manoj Sharma Vs. State and Others; (2008) 16 SCC 1,4. Gian Singh Vs. State of Punjab; (2012); 10 SCC 303,5. Narindra Singh and others Vs. State of Punjab; (2014) 6 SCC 466, and6. Ramgopal & Anr. Vs. State of Madhya Pradesh; 2021 Legal Egale (SC) 569.

9. In the aforesaid judgments, the Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non compoundable offences.

10. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by the counsel for the parties, the court is of the considered opinion that no useful purpose shall be served by prolonging the proceedings of the above mentioned criminal case as the parties have already settled their dispute.

11. Accordingly, the entire proceedings of Criminal Case No. 5592 of 2023 as well as Session Case No. 693 of 2024 (State Versus Sahil Chauhan and another) arising out of Case Crime No. 127 of 2022, under sections 147, 341, 307, 323, 504, 427. I.P.C. Police Station Rijor, District Etah, pending in the court of learned Special Judge(SC/ST(P.A.) Act. 1989) Etah, District Etah is, hereby, quashed.

12. The present application is, accordingly, **allowed.**

October 29, 2026
Akbar

(Madan Pal Singh,J.)

Digitally signed by :-
MOHAMMAD AKBAR
High Court of Judicature at Allahabad