2026:AHC:228476

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 41949 of 2026

Sakhawat Hussain And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Suneel Kumar
Counsel for Opposite Party(s)	:	Anant Prakash Mishra, G.A.

Court No. - 76

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard learned counsel for parties.

2. The present application has been filed to quash chargesheet dated 28.11.2025 and cognizance/summoning order dated 12.08.2026 as well as entire proceedings of Case No.435 of 2026 (State Vs. Sakhawat and others), arising out of Case Crime No.451 of 2025, under Sections 318(4), 115(2), 351(2) BNS, P.S. Swar, District Rampur, pending before court of learned Additional Chief Judicial Magistrate, Court No.2, Rampur, on the basis of compromise.

3. At the very outset, learned counsel for applicants has submitted that compromise has already been preferred and the same has also been verified by learned court concerned on dated 16.10.2026 which has been appended with supplementary affidavit, this fact has also been ascertained and seconded by learned counsel for opposite party no.2.

4. The parties have amicably settled their dispute and fact of compromise has been confirmed and admitted by learned counsel for opposite parties and as such, there would be no harm and error if 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 54 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 restored; 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. In the case of **H.N. Pandakumar Vs. State of Karnataka [2025 INSC 37]**, Hon'ble the Apex Court has also observed hat if the offence is non-compoundable which is having no serious impact on society then there would be no harm and error if the proceedings may be quashed in light of the compromise entered into between the parties. Relevant paragraph of the said judgment is being quoted hereinbelow:-

"5. In light of the amicable settlement and the complainant's unequivocal consent, as evidenced by the Interlocutory Application, this Court finds it appropriate to allow the present M.A. While the offense under Section 326 IPC is non- compoundable under the provisions of the Criminal Procedure Code, 1973, the exceptional circumstances of this case, including the voluntary settlement between the parties, warrant the exercise of this Court's inherent powers to give effect to the compromise."

8. Keeping in mind the position of law and facts, circumstances of the case, chargesheet dated 28.11.2025 and cognizance/summoning order dated 12.08.2026 as well as entire proceedings of Case No.435 of 2026 (State Vs. Sakhawat and others), arising out of Case Crime No.451 of 2025, under Sections 318(4), 115(2), 351(2) BNS, P.S. Swar, District Rampur, pending before court of learned Additional Chief Judicial Magistrate, Court No.2, Rampur, are hereby quashed.

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

November 2, 2026
Vivek Kr.

(Saurabh Srivastava,J.)

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