2026:AHC:208569

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 42986 of 2026

Mohd. Shaan And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Avinash Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 80

HON'BLE CHAWAN PRAKASH, J.

1. Heard Sri Avinash Pandey, learned counsel for applicants and learned AGA for the State.

2. The present application under Section 528 of the B.N.S.S. has been filed by the applicants with a prayer to quash the cognizance order dated 30.11.2021 passed by Civil Judge (J.D.) F.T.C. (Crime against women), Saharanpur and the entire proceedings of Case no.696 of 2021 (State vs. Mohd. Shaan & others), arising out of Case Crime no.125 of 2021, under Sections 498A, 323 IPC & 3/4 D.P. Act & 3/4 the Muslim Women (Protection of Rights on Marriage) Act, Police Station-Mahila Thana, District-Saharanpur, pending in the Court of Civil Judge (J.D.) F.T.C.(Crime against women), Saharanpur.

3. Learned counsel for the applicants submitted that applicants and opposite party no.2 have amicably settled their dispute out of the Court. Applicants approached this Court by filing this application with prayer to quash the proceedings on terms of compromise entered between the parties, this Court vide order dated 29.4.2026, passed in Application U/S 528 BNSS No.17491 of 2026, directed the parties to appear before the trial court for verification of the parties and compromise application. Trial court vide order dated 20.6.2026 verified the parties as well as compromise application. He further submitted that applicants and opposite party no.2 compromised the matter and opposite party No.2 does not want to proceed the matter against the applicants. He further submitted that applicants and opposite party no.2 have settled through

compromise their dispute and as such opposite party no.2 does not wish to press the aforesaid case against the applicants. Opposite party no.2 is ready to withdraw the prosecution of the applicants and in view of the compromise, no fruitful purpose would be served if the prosecution is allowed to go on.

4. Learned AGA does not dispute the correctness of the submission made by learned counsel for the applicants or the correctness of the documents relied upon by him. He submits that he has no objection, if the proceedings in the aforesaid case are quashed.

5. The Hon'ble Apex Court in the case of **Narindra Singh and others Vs. State of Punjab, (2014) 6 SCC 466, Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat (2017) 9 SCC, 641, Gian Singh Vs. State of Punjab (2012) 10 SCC 303 and State of M.P. Vs. Laxmi Narayanan (2019) 5 SCC 688**, wherein Hon'ble Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non-compoundable offences. Reference may also be made to the decision given by this Court in **Shaifullah and others Vs. State of U.P. and another [2013 (83) ACC 278]**, in which, law expounded by the Hon'ble Apex Court in the aforesaid cases has been explained in detail.

6. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by learned counsel for the parties, this Court is of the considered opinion that no useful purpose would be served by prolonging the proceedings of the above mentioned case.

7. Accordingly, the proceedings of aforesaid case are hereby quashed in respect of present applicants.

8. This application under Section 528 of the B.N.S.S. is accordingly **allowed**.

(Chawan Prakash,J.)

October 6, 2026
Md Faisal

Digitally signed by :-
MOHD FAISAL
High Court of Judicature at Allahabad