HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 43674 of 2026

Moin Akhtar And 4 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mohammad Tahir Kurashi, Mohd Shamim Khan
Counsel for Opposite Party(s)	:	G.A., Shadab Ansari

Court No. - 80

HON'BLE SATYA VEER SINGH, J.

1. Heard Mr. Mohd Shamim Khan, learned counsel for the applicants, Mr. Jyoti Kumar Singh, learned AGA for the State and Mr. Shadab Ansari, learned counsel appearing on behalf of opposite party no. 2.

2. The present application has been filed with prayer to quash the entire proceeding of Case No. 2736 of 2026 (State Vs. Moin and others) in Case Crime No. 432 of 2024, under section 498A I.P.C. and 3/4 D.P. Act against applicant No. 1 to 4, under section- 498A, 354 I.P.C. and 3/4 D.P. Act against applicant No.5, Police Station- Loni, District- Ghaziabad on the basis of compromise dated-23.07.2026 and verified on-21.08.2026, by the court of Additional Chief Judicial Magistrate/ Additional Civil Judge (S.D.), Court No.1, Ghaziabad, which is pending before the Additional Chief Judicial Magistrate / Additional Civil Judge (S.D.), Court No.1, Ghaziabad.

3. Learned counsel for the applicants submits that compromise between husband and wife has taken place and the same has been verified by the trial Court and the wife/opposite no. 2 (Gulafsha) is living with her husband (applicant no. 1). He further submitted that earlier same applicants have approached this Court by filing Application U/s 528 BNSS no. 28979 of 2026 which was disposed of on order dated 4th August, 2026 with direction in paragraph nos. 5, 6, 7 and 8. The said paragraphs are reproduced below.

> *"5. Whether the parties have entered into compromise, can best be adjudicated by the Trial Court. As such, the parties may appear before*

the Trial Court concerned and file a fresh compromise entered into between the parties within 30 days, which shall be verified by the Trial Court.

6. No compromise shall be entertained by the Trial Court if the informant/victim/injured and accused are not signatories and appear before the Court of its verification. In case of exigency, the Trial Court shall apply its mind and pass appropriate order.

7. For a period of two months, the proceedings of the Trial Court shall be kept in abeyance, if the compromise is filed and verified within stipulated period, otherwise, the Trial Court shall continue with the trial.

8. All the parties, who files compromise and get it verified, shall then file a joint application invoking inherent power of this Court to quash the criminal proceeding. "

4. In compliance of aforesaid order dated 4th August, 2026 passed by this Court, parties have entered into compromise. The same has been verified on order dated 21st August, 2026 passed by the trial Court and the same has been annexed at page 30 of the paper book of the present application. The relevant portion is reproduced below.

"....

सुना एंव पत्रावली का अवलोकन किया गया।

पत्रावली पर समझौतानामा दिनांकित 23-07-2026 संलग्न है, जो वादिनी मुकदमा श्रीमती गुलफसा तथा अभियुक्तगण मोईन अख्तर, अखलाख, गुलशन, बिलाल एवं इकबाल के मध्य निष्पादित किया गया है। वादिनी मुकदमा श्रीमती गुलफसा के फोटो व उसके हस्ताक्षर की शिनाख्त उनके अधिवक्ता श्री शाकिब सैफी रजि० संख्या UP00938/2025 के द्वारा की गयी तथा अभियुक्तगण मोईन अख्तर, अखलाख, गुलशन, बिलाल एवं इकबाल के फोटो व उनके हस्ताक्षर की शिनाख्त उनके अधिवक्ता श्री मौ० जैद अहमद रजि० संख्या UP19544/26 के द्वारा की गयी। माननीय उच्च न्यायालय के आदेश के अनुक्रम में इसी समझौतेनामें का न्यायालय द्वारा प्रमाणिकरण किया जाना है। पक्षकार दिनांक 21-08-2026 को न्यायालय के समक्ष उपस्थित है। अतः समझौतानामा दिनांक 21-08-2026 को प्रमाणित किया जाता है।

वादिनी द्वार उक्त समझौतानामा दिनांकित 23-07-2026 को बिना किसी दबाव के स्वतन्त्र

सहमति के आधार पर करने का कथन किया गया है तथा समझौतानामा से सम्बन्धित समस्त शर्तों की जानकारी होने का भी कथन किया गया है। चूंकि उक्त समझौतानामा पक्षकारो के मध्य बिना किसी दबाव के व स्वतन्त्र सहमति से किया गया है। अत: समझौतानामा दिनांकित 23-07-2026 प्रमाणित / तस्दीक किया जाता है।

चूंकि माननीय उच्च न्यायालय के आदेश के अनुपालन में उक्त समझौतानामा के प्रमाणिकरण सम्बन्धी रिपोर्ट माननीय उच्च न्यायालय को प्रेषित की जानी है। अत: उक्त प्रमाणिकरण आदेश एवं समझौतानामा की प्रति माननीय उच्च न्यायालय को प्रेषित की जाए।"

Mr. Khan prays for quashing the entire proceedings by allowing the present application. Mr. Singh has submitted that no useful purpose will be served by keeping pending the application. Suitable order be passed. Mr. Ansari submitted that the compromise has been taken place between the parties with their own free will. He further submitted that wife is living with her husband in her in-laws house. Therefore, prayer in the application be allowed. Learned counsel for both the parties have submitted that the applicants and the opposite parties do not want to proceed further and they have no objection if the matter be ended.

5. It appears from perusal of the record that the compromise between the parties is the result of free will and consent of the complainant-opposite party no. 2 without any coercion or undue influence.

6. In view of that, this Court finds that since the parties have entered into compromise which has already been verified by the trial court, now nothing rests in this matter to continue.

7. The law with regards to quashing of a case on the basis of settlement arrived between the parties, is well settled. The Apex Court in the cases of **(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) Shaifullah and others Vs. State of U.P. And another: 2013 (83) ACC 278 and (6) Parbatbhai Ahir@Parbatbhai @ Bhimsinbhai Karmur and others Vs. State of Gujarat and another: (2017) 9 SCC 641** has held that the cases in which the parties have settled their grievances can be quashed.

8. Considering the aforesaid facts and circumstances, this Court is of the view that no useful purpose will be served by keeping the present proceeding pending, therefore, the present application is allowed and disposed of finally and the entire proceeding of Case No. 2736 of 2026 (State Vs. Moin and others) in Case Crime No. 432 of 2024, under section 498A I.P.C. and 3/4 D.P. Act against applicant No. 1 to 4, under section- 498A, 354 I.P.C. and 3/4 D.P. Act against applicant No.5, Police Station- Loni, District- Ghaziabad on the basis of compromise dated-23.07.2026 and verified on-21.08.2026, by the court of Additional Chief Judicial Magistrate/ Additional Civil Judge (S.D.), Court No.1, Ghaziabad, which is pending before the Additional Chief Judicial Magistrate / Additional Civil Judge (S.D.), Court No.1, Ghaziabad are hereby quashed.

(Satya Veer Singh,J.)

October 24, 2026
Jaswant

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