**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**APPLICATION U/S 528 BNSS No. - 44739 of 2026**

Sadir

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

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Counsel for Applicant(s) : Chintamani Prajapati, Imaran Ahmad
Counsel for Opposite Party(s) : G.A.

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**Court No. - 80**

**HON'BLE SATYA VEER SINGH, J.**

1. Supplementary affidavit filed today is taken in the record.

2. Heard Sri Imaran Ahmad, Advocate and Sri Shubham Verma, learned counsel for the applicant and Sri Kamal Deo Rai, learned AGA for the State.

3. The present application has been filed with prayer to quash the entire proceedings of Case No. 9578 of 2023 (State vs. Sadir) pending before Chief Judicial Magistrate, Firozabad, arising out of Case Crime No. 425 of 2022, under Sections 498A, 323, 506 I.P.C. and Section 3/4 D.P. Act, Police Station Rasoolpur, District Firozabad as well as to quash the summoning/cognizance order dated 18.03.2023 and also quash the charge sheet dated 23.12.2022 on the basis of compromise entered into between applicant and opposite party no. 2 on 22.07.2026.

4. Learned counsel for the applicant submitted that the applicant is husband of opposite party no. 2 and a compromise has taken place and the same has been verified by learned trial court and an order to that effect had been passed by the learned trial court dated 19.09.2026. The applicant has earlier approached before this court by filing an application under Section 528 BNSS No. 36496 of 2026. This application was disposed of by a coordinate bench by order dated 02.09.2026 with the following observations:

> *"6. 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 and file the*

*compromise deed entered into between the parties within 30 days, which shall be verified by the trial court. The trial court shall place the original compromise deed in its record.*

*7. No compromise shall be entertained by the trial court if the informant/victim 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.*

*8. 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 in accordance with law.*

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

5. In compliance of order dated 02.09.2026, applicant as well as opposite party no. 2 have appeared before the trial court and learned trial court had passed an order dated 19.09.2026 by verifying the compromise.

6. Learned counsel for the applicant further submits that co-accused Afsar Ali @ Sookhe has already died and applicant no. 1 and opposite party no. 2 have entered into compromise therefore the present application be allowed.

7. Learned A.G.A. submits that no purpose will be served by prolonging the proceeding, as parties as well as complainant/victim have entered into compromise, therefore, suitable order be passed by the Court. Learned counsel for both the parties have submitted that the applicant and the opposite parties do not want to proceed further and they have no objection if the matter be ended.

8. 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. Order dated 19.09.2026 passed by learned trial Court is reproduced below.

> "आज दिनांक 19/9/2026 को माननीय उच्चन्यायालय मे दाख़िल प्रार्थनापत्र अन्तर्गत धारा 528 *BNSS No. 36496/2026* सादिर बनाम उत्तर प्रदेश राज्य व अन्य में पारित आदेश दिनांक 02/9/2026 के अनुक्रम में उभयपक्ष द्वारा दाखिल समझौतापत्र को सत्यापित किये जाने हेतु उपस्थित आये। वादिया रिजवाना के फोटो व हस्ताक्षर की शिनाख्त श्री जिया उर रहमान एडवोकेट व अभियुक्त सादिर के 'फोटो व हस्ताक्षर की सिनाख्त श्री अनवर खान एडवोकेट द्वारा की गयी।
>
> अभियुक्त अफसर अली उर्फ सुखे की मृत्यु के सबंध में मृत्यु प्रमाण पत्र की छायाप्रति संलग्न है। उभयपक्ष द्वारा समझाता बिना दवाव भय व लालच के सेना बगया गया है।
>
> समझौतापत्र खुले न्यायालय में तस्दीक किया गया।".

9. 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.

10. 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.

11. 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 the entire proceedings of Case No. 9578 of 2023 (State vs. Sadir) pending before Chief Judicial Magistrate, Firozabad, arising out of Case Crime No. 425 of 2022, under Sections 498A, 323, 506 I.P.C. and Section 3/4 D.P. Act, Police Station Rasoolpur, District Firozabad including summoning/cognizance

order dated 18.03.2023 as well as charge sheet dated 23.12.2022 are hereby quashed. The application is finally disposed of.

**(Satya Veer Singh,J.)**

**October 24, 2026**
Pravin

Digitally signed by :-
PRAVIN VERMA
High Court of Judicature at Allahabad