2026:AHC:209489

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 45161 of 2025

Mohammad Faijal Sami And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Jitdendra Kumar Shukla
Counsel for Opposite Party(s)	:	G.A., Mohd. Kamar Shah Alam

Court No. - 76

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard learned counsel for parties.

2. The instant petition has been preferred with prayer to quash charge sheets dated 19.12.2018 and 07.07.2019 alongwith cognizance orders dated 22.06.2019 and 03.10.2019 along with entire criminal proceeding of Criminal Case no. 501 of 2019 (State vs. Shami Khan and others), arising out of Case Crime No. 138 of 2017, under Sections 498-A, 323, 504, 506, 313, 354, 376, 377 IPC and 3/4 Dowry Prohibition Act 1961, P.S.- Mahila Thana, District Varanasi, pending before learned Additional Chief Judicial Magistrate,Court No.3, Varanasi.

3. Learned counsel for applicants submits that on the request of applicants, the matter was referred to Mediation and Conciliation Centre of this Court and by the efforts of mediators, the mediation has been successful and it has been stipulated by the parties that they will withdraw all the pending cases filed against each other including the case connected with the instant petition and all the disputes have been settled in terms of the agreement.

4. It is also stipulated that the case filed by either parties against each other, shall be deemed to have been decided in the light of present settlement. The parties are not having any further claims or demands against each other and all the disputes and differences in this regard, have been amicably settled by the parties.

5. Highlighting the report of Mediation Centre dated 24.04.2026 which has been placed on record, it is submitted that proceedings of the instant case pending before learned concerned court, shall also be quashed.

6. Learned AGA did not dispute the fact that mediation has been successful.

7. Having heard learned counsel for the parties and having perused the record, it is evident that with regard to the above mentioned case pending before learned court concerned in shape of Case Crime No.138 of 2017, the instant application was moved by the applicant. However, the matter was referred to Mediation and Conciliation Centre of this Court and the efforts of the mediator has resulted in amicable settlement between the parties. A settlement has been placed before this Court by the Mediation and Conciliation Centre, Allahabad High Court (appended to the order sheet) wherein the terms and conditions of the settlement has been enumerated and it is categorically stated that the parties have settled the dispute and they do not want to prosecute each other and thus the prayer has been made by learned counsel for the applicants to quash the proceedings pending before learned court concerned.

8. Since the mediation has been successful and report has been sent along with original settlement executed between the parties, thus in view of the law laid down by the Hon'ble Supreme Court in **Gian Singh Vs. State of Punjab reported in (2012)10 SCC 303, Shiji and others Vs. Radhika and others Manu/ SC/1341/2011, Manoj Sharma Vs. State of U.P. (2008)16 SCC1**, charge sheets dated 19.12.2018 and 07.07.2019 alongwith cognizance orders dated 22.06.2019 and 03.10.2019 along with entire criminal proceeding of Criminal Case no. 501 of 2019 (State vs. Shami Khan and others), arising out of Case Crime No. 138 of 2017, under Sections 498-A, 323, 504, 506, 313, 354, 376, 377 IPC and 3/4 Dowry Prohibition Act 1961, P.S.- Mahila Thana, District Varanasi, pending before learned Additional Chief Judicial Magistrate, Court No.3, Varanasi, are hereby quashed and set aside only in respect of applicants herein.

9. The settlement report of the Medication and Conciliation Centre shall be part and parcel of this order.

10. Accordingly, the instant application is finally **disposed of**.

October 6, 2026
Vivek Kr.

(Saurabh Srivastava,J.)

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