HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 47356 of 2026

Kallu @ Durga Singh And 2 Others

.....Applicant(s)

Versus

State Of U.P. And 2 Others

.....Opposite Party(s)

Counsel for Applicant(s) : Mukesh Kumar Pandey, Praveen Kumar Sharma

Counsel for Opposite Party(s) : G.A.

Court No. - 80

HON'BLE CHAWAN PRAKASH, J.

1. Heard Sri Mukesh Kumar Pandey, learned counsel for applicants, Sri Neel Kant Upadhyay, learned A.G.A. for the State and perused the record.

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 summoning order dated 18.10.2023 and the entire criminal proceedings of Case no. 27918 of 2023, (State vs Kallu @ Durga Singh and others), arising out Case Crime No. 221 of 2023, under Sections 498A, 323, 504, 506, I.P.C. and 3/4 D.P. Act, Police Station Rura, District Kanpur Dehat, pending in the court of Additional Chief Judicial Magistrate 1st, Kanpur Dehat, on the basis of the compromise.

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 Application under Section 528 BNSS No. 31457 of 2026 with the prayer to quash the proceedings on terms of compromise entered between the parties. By order dated 03.08.2026, this Court directed the parties to appear before the trial court for verification of their identification and the compromise deed. By order dated 18.08.2026, the trial court identified the parties and the compromise deed. He further submitted that applicants and opposite party no.2 have compromised the matter and that opposite party No.2 does not wish to pursue the aforesaid case against the applicants. He also submitted that applicants and opposite party no.2 have settled their

dispute through compromise and, therefore, opposite party no.2 does not wish to pursue the aforesaid case against the applicants. Opposite party no.2 is ready to withdraw the prosecution against the applicants and, in view of the compromise, no fruitful purpose would be served by allowing the prosecution to continue.

4. Learned AGA submitted that both the parties have settled their dispute out of the court, hence, no reason to proceed further.

5. In **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**, the Hon'ble Supreme Court has categorically held that the parties may enter into compromise 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, the 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 above, and 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 insofar as present applicants are concerned.

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

(Chawan Prakash,J.)

October 28, 2026
Rmk.

Digitally signed by :-
RAM MURTI KUSHWAHA
High Court of Judicature at Allahabad