2026:AHC:226674

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 48035 of 2026

Rohit Tiwari And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Shailendra Kumar Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 80

HON'BLE CHAWAN PRAKASH, J.

1. Heard Sri Shailendra Kumar Tripathi, learned counsel for applicants and learned AGA for the State.

2. The applicants filed the present application under Section 528 BNSS with the prayer to quash the entire proceedings of Case No. 10048 of 2025, arising out of case crime no. 104 of 2025, under Sections 115(2), 352, 85 BNS & 3/4 D.P.Act, P.S. Kishanpur, District Fatehpur as well as cognizance order dated 8.9.2025, pending in the Court of Civil Judge (J.D.)/ FTC (Crime Against Women), Fatehpur.

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. 34368 of 2026 with the prayer to quash the proceedings on terms of compromise entered between the parties. By order dated 19.8.2026 this Court directed the parties to appear before the trial court for verification of their identification and the compromise deed. By order dated 18.9.2026, 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 counsel appearing for the opposite party no.2 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 opposite party no. 2 has no objection, if the proceedings in the aforesaid case are quashed.

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

6. 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.

7. 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.

8. Accordingly, the proceedings of aforesaid case are hereby quashed insofar as present applicants are concerned.

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

(Chawan Prakash,J.)

November 2, 2026
Arvind

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