HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 48129 of 2026

Saib Husain @ Shayab And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Umair Alam
Counsel for Opposite Party(s)	:	G.A.

Court No. - 80

HON'BLE CHAWAN PRAKASH, J.

1. Heard Sri Umair Alam, learned counsel for applicants, Sri Anil Kumar Ojha, learned A.G.A. for the State.

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 charge sheet 19.07.2017, cognizance/summoning order dated 23.01.2018 and the entire proceedings of Case No. 1701 of 2018 (State Vs. Shayab and others), arising out of Case Crime No. 256 of 2017, under Sections 498-A, 323, 504, 506, 494 I.P.C. and 3/4 D.P. Act, Police Station Mahila Thana, District Moradabad.

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. 35136 of 2026 with the prayer to quash the proceedings on terms of compromise entered between the parties. By order dated 21.08.2026, this Court directed the parties to appear before the trial court for verification of their identification and the compromise deed. By order dated 19.09.2026, 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.**

November 2, 2026
Rmk.

(Chawan Prakash,J.)

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