2026:AHC:211894

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 49953 of 2025

Kshitij Gupta And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Arvind Singh Parmar, Virendra Singh Parmar
Counsel for Opposite Party(s)	:	G.A., Rajesh Kumar Singh Chauhan

Court No. - 76

HON'BLE SAURABH SRIVASTAVA, J.

1. On the request of learned counsel for applicants, this matter is being taken up out of turn considering the urgency. Heard learned counsel for parties.

2. The instant petition has been preferred with prayer to quash cognizance/summoning order dated 28.07.2025 passed by Additional Chief Judicial Magistrate, 2nd Court No.17, Shahjahanpur, and order dated 25.11.2025 passed by Session Judge, Shahjahanpur in Criminal Revision No.239 of 2025, as well as entire proceeding in Complaint Case No.23621 of 2025 (Shivam Gupta Vs. Kshitij Gupta and others) under Sections 452, 323, 427 IPC, P.s. Jalalabad, District Shahjahanpur, pending in the court of Additional Chief Judicial Magistrate, 2nd Court No.17, Shahjahanpur.

3. Learned counsel for applicant submits that on the request of applicant, 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 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 counsel for opposite parties 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 Complaint Case No.23621 of 2025 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 applicant 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**, cognizance/summoning order dated 28.07.2025 passed by Additional Chief Judicial Magistrate, 2nd Court No.17, Shahjahanpur, and order dated 25.11.2025 passed by Session Judge, Shahjahanpur in Criminal Revision No.239 of 2025, as well as entire proceeding in Complaint Case No.23621 of 2025 (Shivam Gupta Vs. Kshitij Gupta and others) under Sections 452, 323, 427 IPC, P.s. Jalalabad, District Shahjahanpur, pending in the court of Additional Chief Judicial Magistrate, 2nd Court No.17, Shahjahanpur, 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 application filed by the applicant under Section 528 BNSS is finally disposed of.

October 8, 2026
Ashish/-

(Saurabh Srivastava,J.)

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