2026:AHC:209001

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 52328 of 2025

Nahim And 2 Others

.....Applicant(s)

Versus

State Of U.P. And 2 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Abhishek Tiwari, Anurag Kumar Sharma, Gaurav Dwivedi, Gopal Chaturvedi, Ibne Ahmad, Mridul Mehar, Santosh Kumar Singh, Vinit Upadhyay
Counsel for Opposite Party(s)	:	G.A., Mahendra Pandey, Priyank Singh, Sanjay Kumar Upadhyay

Court No. - 79

HON'BLE MADAN PAL SINGH, J.

1. Heard learned counsel for the parties and perused the record.

2. It is submitted by learned counsel for applicants that the parties have settled their dispute amicably outside the Court and compromise had taken place between them on 28.10.2024 and the same has been filed along with the instant application. Earlier, this Court had directed the parties to appear before the Court below for verification of compromise. By the said order, the Court below was further directed to send a verification report.

3. As per report, the parties had appeared before the trial Court, who were identified by their respective counsels and the compromise was verified by the trial court on 05.08.2026.

4. Since parties have amicably settled their dispute outside the Court and opposite party no.2 does not want to prosecute the applicants, no useful purpose would be served in keeping it pending.

5. Learned A.G.A. for the State as well as learned counsel for O.P. no.2 do not dispute the aforesaid facts.

6. The Hon'ble Apex Court in the case of ***State of Madhya Pradesh Vs. Laxmi Narayan and others, reported in (2019) 5 SCC 688*** has laid down principles for quashing the proceeding on the basis of settlement/compromise. Relevant paragraphs are quoted herein below:-

"15. Considering the law on the point and the other decisions of this Court

on the point, referred to herein above, it is observed and held as under:

i) that the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;

ii) such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society;

iii) similarly, such power is not to be exercised for the offences under the special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender;

iv) offences under Section 307 IPC and the Arms Act etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation. Therefore, the ultimate conclusion in paragraphs 29.6 and 29.7 of the decision of this Court in the case of Narinder Singh (supra) should be read harmoniously and to be read as a whole and in the circumstances stated hereinabove;

> v) while exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impart on society, on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise etc."

7. In view of the aforesaid facts, since the parties have amicably settled their dispute outside the Court and compromise between the parties has already been verified by the trial Court, the present application is liable to be allowed.

8. Accordingly, the present application u/s 528 BNSS is **allowed** and the entire proceedings of Criminal Case No.98 of 2022 arising out of Case Crime No.251 of 2021, under Sections 323, 324, 326 IPC, Police Station Chhaprauli, District Baghpat pending in the court of Additional Chief Judicial Magistrate, Baghpat, are hereby quashed.

October 6, 2026
Ajeet

(Madan Pal Singh,J.)

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