



2026:AHC:181169

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 12409 of 2026

Umair Khan And 3 Others

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Manish Kumar Dwivedi
Counsel for Opposite Party(s)	:	G.A., Saurabh Dwivedi

Court No. - 80

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Mr. Manish Kumar Dwivedi, learned counsel for the applicants, Mr. Saurabh Dwivedi, learned counsel for the opposite party Nos. 2 to 4, learned A.G.A. for the State and perused the record.

2. The present application under Section 528 B.N.S.S. has been filed with a prayer to allow this application and quash the Criminal Proceeding and Cognizance order dated 01.05.2025 passed by learned Chief Judicial Magistrate, Aligarh as well as charge sheet dated 07.06.2023 registered as Case No. 14094 of 2025 (State vs. Umair Khan and others) arising out of Case Crime No. 873 of 2022, under Sections 308, 323, 504, 506 of 1.P.C., Police Station Banna Devi, District Aligarh, pending in the court of learned Chief Judicial Magistrate, Aligarh on the basis of compromise taken place between parties and to stay the further proceeding of the aforesaid Case.

3. Learned counsel for the applicants and learned counsel for the opposite party No. 2 submit that they have settled their dispute through compromise dated 19.11.2025, placed as Annexure No. '7' to the present application. The said compromise has been duly verified and the report was forwarded by the learned Additional Chief Judicial Magistrate, Court No. 1, Aligarh on 27.04.2026.

4. Learned counsel for the applicants submits that the present dispute arises between the applicants and the opposite party No. 2. It is also argued that the parties have willingly entered into a settlement and not

under duress or threat or coercion and are not interested in pursuing the matter pending in the Court concerned and, therefore, the impugned proceedings be quashed on the ground of compromise between the parties and they do not propose to file the counter affidavit and rejoinder affidavit.

5. Learned counsel for the opposite party No. 2 admits the arguments of learned counsel for the applicants and states that he has no objection if the impugned proceeding pending against the applicants, is quashed.

6. Learned A.G.A. also does not dispute the correctness of the submissions made by the learned counsel for both the parties.

7. The law with regard to quashing of a case on the basis of settlement arrived between the parties, is well settled.

8. The Hon'ble Supreme Court in its Constitutional Bench Judgment in **Gian Singh Vs. State of Punjab and Another, (2012)10 SCC 303**, has held that *"But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim."*

9. The Hon'ble Supreme Court in **Parbatbhai Ahir alias Parbatbhai Bhimsinhbhai Karmur and others vs. State of Gujarat and another, (2017) 9 SCC 641** has laid down broad principles of quashing the criminal proceedings in exercise of inherent jurisdiction on the ground that *"even in the non compoundable cases on the basis of compromise, criminal proceedings can be quashed so that valuable time of the court can be saved and utilized in other material cases."*

10. Both the parties have agreed to withdraw the proceedings pending amongst them in Court concerned. From perusal of the records and the law as cited above, the present case is a good case for exercise of power by the Court to quash summoning order as well as entire proceedings.

11. The dispute has been mutually settled between the parties to their entire satisfaction, therefore, no useful purpose would be served in allowing the prosecution to continue any longer.

12. The present application for quashing filed under Section 528 B.N.S.S. comes within the parameters as laid down by the Hon'ble Supreme Court in **Pradeep Kumar Kesarwani Vs. State of Uttar Pradesh & Another**, Criminal Appeal No. 3831 of 2025, SLP (Crl.) No. 11642 of 2019 dated 02.09.2025.

13. In view of the above, the entire proceedings of Case No. 14094 of 2025 (State vs. Umair Khan and others) arising out of Case Crime No. 873 of 2022, under Sections 308, 323, 504, 506 of 1.P.C., Police Station Banna Devi, District Aligarh, are hereby quashed.

14. The present application under Section 528 B.N.S.S. is, accordingly, **allowed.**

(Nand Prabha Shukla,J.)

August 31, 2026
Shivani Sri.