



2026:AHC:177388

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 4836 of 2025

Khushnaseeb

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mohd Shamim Khan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. This is specially assigned matter.

1A. As per office report dated 12.08.2026, notice has been served to opposite party no. 2 through her brother but none appeared for the opposite party no. 2. Learned counsel for applicant is not present.

2. Learned AGA for State is present.

3. The matter is matrimonial in nature. The applicant and opposite party no. 2/informant entered into marriage as per Muslim Rites and Ceremony but soon after the marriage, there was matrimonial discord between the parties which led to the lodging of the FIR, consequently the applicant (husband) has been implicated. After the submission of charge sheet, the accused person had invoked the inherent jurisdiction of this Court. The matter was sent to mediation vide order dated 11.04.2025 passed by co-ordinate Bench of this Court. The order dated 11.04.2025 is reiterated underneath:-

"Heard learned counsel for the applicant, learned AGA for the State and perused the record.

By means of the present application under Section 528 B.N.S.S., the applicant has prayed to quash the order dated 16.01.2025 passed by Additional Principal Judge/Family Court No. 1, Muzaffarnagar in Misc. Case No. 324/11 of 2023 (Smt. Ishrat Fatima Vs. Khushnaseeb) under section 125 Cr.P.C., P.S. Bhopa, District Muzaffarnagar.

At the very outset, learned counsel for the applicant states that he wants to refer the matter to the mediation centre for amicably settlement of matrimonial dispute between the husband and wife.

Accordingly, the matter is referred to Mediation & Conciliation Centre of this Court. The applicant is directed to deposit a sum of Rs. 40,000/- by way of demand draft/pay order in the name of Registrar General, Mediation and Conciliation Centre, High Court Allahabad, within a period of two weeks from today. Out of Rs. 35,000/- shall be payable to the respondent No. 2 on her appearance before the Mediation and Conciliation Centre and the amount paid to the opposite party no. 2 shall be adjusted towards interim maintenance due to be paid to her and remaining Rs. 5,000/- shall be payable to the Mediation and Conciliation Centre.

The matter is referred to the Mediation Centre with the direction that same may be tried to be resolved after giving notices to both the parties. The Mediation Centre will submit its report in the matter within two months.

List this case after two months before the appropriate Bench alongwith the report of Mediation Centre."

4. In pursuance of the aforesaid order, the parties appeared for mediation. The report of Mediation and Conciliation Centre, High Court, Allahabad dated 14.10.2025 reveals that the parties have settled their dispute through compromise in mediation. The same is on record.

5. Learned AGA for the State has opposed the application.

6. There is no point in getting the trial continued, when the parties have buried their hatches as the star witness would not support the prosecution case.

7. Hon'ble the Supreme Court in the cases of ***Geeta Mehrotra and another Vs. State of Uttar Pradesh and another*** reported in **(2012) 10 SCC 741** made observation borne out of experience that there is a tendency to involve entire family members of the household in the domestic quarrel taking place in a matrimonial dispute. Further, in case of ***Kahkashan Kausar alias Sonam and others Vs. State of Bihar and others***, reported in **(2022) 6 SCC 599**, Hon'ble the Supreme Court has observed the misuse of Section 498-A IPC and increasing tendency of implicating relatives of husband.

8. In the case of *Narendra Kumar and Others v. State and Another* reported in **2024 SCC OnLine SC 4048** (relevant paragraph 21), Hon'ble the Supreme Court while considering the co-extensive powers of the Supreme Court and High Court under Article 142 of the Constitution of India and Section 482 CrPC (528 BNSS), respectively. On the point of quashing criminal proceeding on the basis of compromise in a non-compoundable offence, particularly, in the matrimonial cases, opined, considering the previous judgments of Hon'ble the Supreme Court, the inherent power vested in the Constitution Courts to quash the proceedings on the basis of settlement and compromise between the victim and wrongdoer, to be exercised to secure the ends of justice.

9. Considering the settlement entered into between the parties and the law laid down by the Hon'ble Supreme Court as mentioned above, the order dated 16.01.2025 passed by Additional Principal Judge/Family Court No. 1, Muzaffarnagar Misc. Case No. 324/11 of 2023 (Smt. Ishrat Fatima Vs. Khushnaseeb) under section 125 Cr.P.C., P.S. Bhopa, District Muzaffarnagar, is hereby **quashed**.

10. In view of the above, the Application under Section 528 BNSS is accordingly **allowed**.

11. Let a copy of this order be sent to District Judge concerned through **Registrar (Compliance)**.

(Avnish Saxena,J.)

August 21, 2026

Sharad/-