



2026:AHC:177379

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 8003 of 2025

Raj Kumar Chauhan

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Pallavi Tripathi, Praveen Kumar
Dwivedi, Sushil Kumar Mishra
Counsel for Opposite Party(s) : G.A., Pushkar Nath Tripathi, Renu
Pandey, Rohit Yadav

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1.This is specially assigned matter.

1A. In order dated 13.05.2026, this Court has called for service report of notice upon opposite party no. 2. The office report dated 05.08.2026 reveals that the notice has been served upon opposite party no. 2 personally and Vakalatnama of opposite party no. 2 is on record. None appeared for the both the parties.

2. Learned AGA for State is present.

3.The matter is matrimonial in nature. The applicant and the daughter of opposite party no. 2/informant entered into marriage as per Hindu 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 20.03.2025 passed by co-ordinate Bench of this Court. The order dated 20.03.2025 is reiterated underneath:-

*" Heard Sri Praveen Kumar Dwivedi, learned counsel
for the applicant and Sri Raj Bahadur Verma, learned*

A.G.A. for the State.

2. The present application has been filed to quash the entire proceeding including the impugned charge-sheet dated 14.08.2022 as well as cognizance/summoning order dated 19.01.2023 passed by learned Judicial Magistrate, Court No.2, Allahabad in Case No. 135 of 2023 (State Vs. Raj Kumar Chauhan and others) arising out of Case Crime No. 133 of 2022 u/s 498-A, 323 I.P.C. and Section 3/4 of Dowry Prohibition Act, Police Station- Khiri, District- Prayagraj, pending in the court of learned Additional Chief Judicial Magistrate, Court No.8, Allahabad.

3. Contention of learned counsel for the applicant is that the present proceeding is arising out of the offence which is matrimonial in nature, and therefore, the matter may be referred to the Mediation Centre.

4. In view of the above, the matter is referred to the Mediation Centre, High Court Allahabad, subject to the condition that the applicant will deposit a sum of Rs.20,000/- within three weeks from today with the Mediation Centre, out of which Rs.15,000/- shall be paid to the daughter of opposite party no.2 on her appearance before the Mediation Centre on a date to be fixed by the mediation center. Balance Rs.5,000/- shall be retained by the mediation center towards its expenses.

5. It is also directed that while depositing the amount before the Mediation Centre, learned counsel for the applicant shall also file memo of parties as mentioned in the present case along with WhatsApp Number as well as Email-Id of the private respondent(s), if available.

6. Issue notice to opposite party no.2.

7. After depositing the aforesaid amount within aforementioned time, notices shall be issued to the parties fixing some date for mediation and the Mediation Centre shall make all possible efforts to conclude the mediation and conciliation proceedings expeditiously.

8. List in the week commencing 07.07.2025.

9. It is further provided, if applicant files receipt of deposit of the aforesaid amount before the court below then no coercive action shall be taken against the applicant in the aforesaid case, till the next date of listing.

10. It is also made clear that in case the applicant fails to submit the receipt of the aforesaid deposit before the

court below then the court below is free to proceed against the applicant. "

4. In pursuance of the aforesaid order, the parties appeared for mediation. The report of Mediation and Conciliation Centre, High Court, Allahabad dated 25.09.2025 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, entire proceeding including the impugned charge-sheet dated 14.08.2022 as well as cognizance/summoning order dated 19.01.2023 passed by learned Judicial Magistrate, Court No.2, Allahabad in Case No. 135 of 2023 (State Vs. Raj

Kumar Chauhan and others) arising out of Case Crime No. 133 of 2022 u/s 498-A, 323 I.P.C. and Section 3/4 of Dowry Prohibition Act, Police Station-Khiri, District- Prayagraj, pending in the court of learned Additional Chief Judicial Magistrate, Court No.8, Allahabad, are hereby **quashed** qua the applicant.

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/-