



2026:AHC:174367

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 16347 of 2026

Mohd Ishtiyag @ Raju And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Pankaj Kumar Gupta, Sanjay Kaushik
Counsel for Opposite Party(s)	:	G.A., Prashant Kumar, Sheeba Rehman

Court No. - 80

HON'BLE NAND PRABHA SHUKLA, J.

In Re: Crl. Misc. Amendment Application Nil of 2026.

1. Amendment application filed by the learned counsel for the applicants is taken on record.]
2. Heard Shri Pankaj Kumar Gupta, learned counsel for the applicant, learned AGA for the State and perused the record.
3. Upon hearing learned counsel for the parties, the amendment application is **allowed**.
4. Let the same be incorporated during the course of the day.

Order on Application U/s 528 BNSS

1. Heard Shri Pankaj Kumar Gupta, learned counsel for the applicant, learned AGA for the State and perused the record.
2. The present application under Section 528 BNSS has been filed by the applicants with a prayer to allow this application and quash the entire criminal proceedings of Criminal Case No. 6480 of 2023 (State v. Ishtiyag and others), arising out of Case Crime No. 717 of 2019, under Sections 286, 323, 427 of the IPC, Police Station Naini, District Prayagraj, pending in the Court of the learned Additional Chief Judicial Magistrate, Court No. 15, Allahabad, including the Charge Sheet as well as the cognizance and summoning order passed by the learned Trial Court in the aforementioned case, on the basis of the compromise entered into between the parties.

3. It is submitted by learned counsel for the parties that the parties appeared before the Court concerned for verification of the compromise. The said compromise has been duly verified by the learned Additional Chief Judicial Magistrate, Court No. 15, Prayagraj, on 07.05.2026.

4. Learned counsel for the applicants submits that the present dispute arises out of personal discord between the applicants and the opposite party no. 2. It is also argued that the opposite party no. 2 is not interested to pursue 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 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 per-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."*

8. 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."*

9. 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.

10. The dispute appears to be purely of a personal discord that 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.

11. 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 criminal proceedings of Criminal Case No. 6480 of 2023 (State v. Ishtiyak and others), arising out of Case Crime No. 717 of 2019, under Sections 286, 323, 427 of the IPC, Police Station Naini, District Prayagraj, are hereby quashed.

14. The present application is, accordingly, ***allowed***.

August 18, 2026
Priyanka

(Nand Prabha Shukla,J.)