



2026:AHC:179726

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 16585 of 2026

Shyam Kishor Tripathi And Another

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Manoj Kumar Srivastava, Sanjay Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 84

HON'BLE PRASHANT MISHRA-I, J.

1. Supplementary affidavit filed by learned counsel for the applicants is taken on record.
2. Heard Mr. Manoj Kumar Srivastava, learned counsel for the applicants and learned A.G.A. representing the State.
3. The prayer of the applicant in the instant application is quoted herein below:

"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to allow this application under 528 of BNSS and quash the order dated 21.11.2025 as well as entire criminal proceeding in complaint case no.95717/2022 (Shyam Kishor Tripathi versus Yagyadutt Awasthi and others) under section 498A, 323 IPC and 4 D.P. act Police Station Mahila Thana District Ghaziabad pending before Additional Civil Judge (Junior Division)/FTC-Ist, Ghaziabad in pursuance of the compromise between the parties dated 06.09.2025.

It is further prayed that this Hon'ble Court may graciously be pleased to also stay the entire criminal proceeding in complaint case no.95717/2022 (Shyam Kishor Tripathi versus Yagyadutt Awasthi and others) under section 498A, 323 IPC and 4 D.P. act Police Station Mahila Thana District Ghaziabad pending before Additional Civil Judge (Junior Division)/FTC-Ist, Ghaziabad in pursuance of the compromise between the parties dated 06.09.2025 and/or pass such other and further order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the case."

4. Learned counsel for the applicants drew the attention of this Court on the order dated 23.04.2026 passed by the coordinate Bench of this Court, by which the learned trial court was directed to verify the parties and the compromise deed. In compliance of the order passed by this Court, the learned trial has sent its verification report dated 15.05.2026. It has further been contended that applicants and Opposite Party Nos. 2 to 4 have compromised the matter and they do not want to proceed the matter against the applicants. Hence, in view of the compromise, no fruitful purpose would be served if the prosecution is allowed to go on.

5. Learned Additional Government Advocate submits that both the parties have settled their dispute out of the court, hence, there is no reason to proceed further and he has no objection if the proceedings of the aforesaid case are quashed.

6. It is apparent from the perusal of the verification report dated 15.05.2026 that the parties to the instant application have appeared before the learned trial court concerned personally and their identity and signatures have been verified by their learned counsel. Both the parties have accepted that they have arrived at a compromise and they are satisfied and agreed with all the clauses and conditions of that compromise.

7. The Hon'ble Apex Court in the case of **Narindra Singh and others Vs. State of Punjab**, (2014) 6 SCC 466, **Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat**, (2017) 9 SCC 641, **State of M.P. Vs. Laxmi Narayanan**, (2019) 5 SCC 688, wherein Hon'ble Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non-compoundable offences. Reference may also be made to the decision given by this Court in **Shaifullah and others Vs. State of U.P. and another**, [2013 (83) ACC 278], in which, law expounded by the Hon'ble Apex Court in the aforesaid cases has been explained in detail.

8. Considering the facts and circumstances of the case, compromise arrived at between the parties and also the submissions made by the learned counsels for the parties, this Court is of the considered opinion that no useful purpose would be served by prolonging the proceedings of the above mentioned case.

9. Accordingly, the order dated 21.11.2025 passed against the applicants and

the entire criminal proceedings of Complaint Case No. 95717/2022 (Shyam Kishor Tripathi versus Yagyadutt Awasthi and others), under Sections 498A, 323 I.P.C. and Section 4 D.P. Act, Police Station Mahila Thana, District Ghaziabad, pending before learned Additional Civil Judge (Junior Division)/FTC-Ist, Ghaziabad, are hereby **quashed**.

10. This application under Section 528 B.N.S.S. is accordingly **allowed**.

(Prashant Mishra-I,J.)

August 25, 2026
Kashifa