



2026:AHC:169375

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 8607 of 2026

Sushil And 5 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Alok Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 84

HON'BLE PRASHANT MISHRA-I, J.

1. As per office report dated 10.08.2026, notice issued to opposite party No. 2 has been served upon her through her sister, but no one has put in appearance on her behalf.

2. Heard Mr. Alok Kumar Singh, learned counsel for the applicants and learned A.G.A. representing the State.

3. The instant application has been filed by the applicants with a prayer to quash the impugned summoning order dated 17.02.2010 as well as order dated 07-04-2016 passed by learned Additional Chief Judicial Magistrate, Court No. 5, Ghaziabad by which charges were framed against the applicants, arising out of Complaint Case No. 2754/09 (New No. 443/2026) "Smt. Khushboo Vs. Sushil and others", under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 D.P. Act, Police Station Modinagar, District Ghaziabad, which is pending before the learned Additional Chief Judicial Magistrate, Court No. 3, Ghaziabad and to quash the entire proceedings of the Complaint Case No. 2754/09 (New No. 443/2026) "Smt. Khushboo Vs. Sushil and others", under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 D.P. Act, Police Station Modinagar, District Ghaziabad, which is pending before the learned Additional Chief Judicial Magistrate, Court No. 3, Ghaziabad.

4. Learned counsel for the applicants submits that it is a matrimonial dispute between the applicants and opposite party No. 2 and they have resolved their dispute and entered into a compromise. It is further submitted that vide order dated 26.02.2026, co-ordinate Bench of this Court directed the parties to appear before the concerned court along with a certified copy of the order and photocopy of the compromise deed for verification of the parties within a period of six weeks. In compliance of the said order, the learned trial court verified the said compromise on 16.05.2026 and its report dated 16.05.2026 is on record. Copy of the said compromise deed dated 07.02.2026 is also on record of the instant application, in which it has been averred by the parties that they have compromised the matter. It has further been contended that in view of the aforesaid 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 present application is allowed.

6. The Hon'ble Apex Court in the cases of **Narindra Singh and others Vs. State of Punjab**, (2014) 6 SCC 466, **Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat**, (2017) 9 SCC 641 and **State of M.P. Vs. Laxmi Narayanan**, (2019) 5 SCC 688, had 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.

7. Considering the facts and circumstances of the case, as noted herein above, 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.

8. Accordingly, the impugned summoning order dated 17.02.2010 as well as order dated 07.04.2016 passed by learned Additional Chief Judicial Magistrate, Court No. 5, Ghaziabad and proceedings of aforesaid Complaint Case No. 2754/09 (New No. 443/2026) "Smt. Khushboo Vs. Sushil and others", under Sections 498-A, 323, 504, 506 I.P.C. and Section 3/4 D.P. Act, Police Station Modinagar, District Ghaziabad, which is pending before the learned Additional Chief Judicial Magistrate, Court No. 3, Ghaziabad, are hereby quashed.

9. The instant application under Section 528 of the B.N.S.S. is accordingly **allowed**.

10. In case of any violation of terms and conditions mentioned in the aforesaid compromise, any of the parties is at liberty to approach this Court.

(Prashant Mishra-I,J.)

August 10, 2026

Kashifa