



2026:AHC:169178

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 963 of 2026

Ashvani Kumar And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Sangram Singh, Alok Kumar
Counsel for Opposite Party(s) : G.A., Jitendra Singh, Sachin Gaur,
Shambhu Mani Tripathi

Court No. - 83

HON'BLE CHAWAN PRAKASH, J.

1. At the very outset, learned counsel for the applicants prayed for permission to amend/correct the prayer clause, as, due to a typographical error, Section 377 has been wrongly mentioned.

2. Prayer so made is allowed.

3. Let necessary correction in the prayer clause of this application be carried out by learned counsel for applicants during course of the day.

4. Heard Sri Sangram Singh, learned counsel for applicants, Sri Jitendra Singh, learned counsel for opposite party No.2 and learned AGA for the State.

5. The present application under Section 528 B.N.S.S. has been filed by the applicants with the following prayer:

"It is therefore most respectfully prayed that this Hon'ble court may graciously be pleased to quash the entire proceeding of the charge sheet dated 07.08.2024 along with cognizance order dated 29.05.2025 in case no. 16427/9 of 2025, State Versus Ashvani and Others arising out of the case crime no. 98 of 2024, U/s 498-A, 323, 504, 506 I.P.C. and 3/4 D.P. Act, P.S. Kakrauli, District Muzaffar Nagar and further prayed may be pleased to stay the entire proceeding of the charge sheet dated 07.08.2024 along with cognizance order dated 29.05.2025 in case no. 16427/9 of 2025, State Versus Ashvani and Others arising out of the case

crime no. 98 of 2024, U/s 498-A, 323, 504, 506 I.P.C. and 3/4 D.P. Act, P.S. Kakrauli, District Muzaffar Nagar. And/or to pass such and further order while this Hon'ble Court may deem fit and proper under the facts and circumstances of the case, otherwise the applicants shall suffer irreparably loss and injury."

6. Learned counsel for the applicants submitted that applicants and opposite party no.2 have amicably settled their dispute out of the Court. Applicants approached this Court by filing this application with prayer to quash the proceedings on terms of compromise entered between the parties, this Court vide order dated 2.2.2026 directed the parties to appear before the trial court for verification of the parties and compromise application. Trial court vide order dated 16.3.2026 verified the parties as well as compromise application. He further submitted that applicants and opposite party no.2 compromised the matter and opposite party No.2 does not want to proceed the matter against the applicants. He further submitted that applicants and opposite party no.2 have settled through compromise their dispute and as such opposite party no.2 does not wish to press the aforesaid case against the applicants. Opposite party no.2 is ready to withdraw the prosecution of the applicants and in view of the compromise, no fruitful purpose would be served if the prosecution is allowed to go on.

7. Learned counsel appearing for the opposite party no.2 does not dispute the correctness of the submission made by learned counsel for the applicants or the correctness of the documents relied upon by him. He submits that opposite party no. 2 has no objection, if the proceedings in the aforesaid case are quashed.

8. Learned AGA submitted that both the parties have settled their dispute out of the court, hence, no reason to proceed further.

9. 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, Gian Singh Vs. State of Punjab (2012) 10 SCC 303 and 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.

10. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by learned counsel 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.

11. Accordingly, the proceedings of Case no. 16427/9 of 2025 (State Versus Ashvani and Others) arising out of the case crime no. 98 of 2024, U/s 498-A, 323, 504, 506 I.P.C. and 3/4 D.P. Act, P.S. Kakrauli, District Muzaffar Nagar are hereby quashed.

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

(Chawan Prakash,J.)

August 12, 2026
Md Faisal