



2026:AHC:163897

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 41551 of 2024

Abhishek Chaubey And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Chandra Bhushan Tiwari
Counsel for Opposite Party(s)	:	G.A.

Court No. - 81

HON'BLE MADAN PAL SINGH, J.

1. Sri Ajay Kumar Singh, Advocate has filed vakalatnama on behalf of the opposite party no. 2, is taken on record.
2. Heard learned counsel for the parties and perused the entire material available on record.
3. The present application has been filed by the applicants for quashing the charge sheet dated 22.03.2022 and impugned cognizance order dated 12.07.2022 as well as entire criminal proceeding of Case 12084 of 2022 (State Vs. Abhishek and Another) arising out of Case Crime No. 0310 of 2021 under Section 406 I.P.C. Police Station- Haldharpur, District- Mau.
4. Earlier, the matter was referred to the High Court Mediation and Conciliation Centre, Allahabad by a Coordinate Bench of this Court vide order dated 04.12.2024.
4. Today on the matter being taken up, learned counsel for the parties submit that pursuant to the order dated 04.12.2024, both the parties appeared before the High Court Mediation and Conciliation Centre, Allahabad and both the parties have entered into settlement agreement before the Mediation Centre on 24.04.2025. The certified copy of the final agreement settlement dated 24.01.2025 has also been brought on record along with the order-sheet of the present application.
5. For ready reference, the relevant paragraph no.7 of the final settlement agreement is quoted as under:

" क. यह कि आवेदक सं. 2- पवन कुमार उपस्थित नहीं है परन्तु यह समझौता आवेदक सं. 2- पवन कुमार पर

भी लागू होगा तथा उपस्थित पक्ष आवेदक सं. 1 व प्रतिवादी सं. 2 को इस समझौते से कोई आपत्ति नहीं है।

ख. कि दोनों पक्षों के मध्य आपसी सहमति से अपने विवाद को इस शर्त पर सुलझा लिया है कि आवेदकगण प्रतिवादी सं. 2 को रु. 4,00,000/- (चार लाख रुपये मात्र) डिमाण्ड ड्राफ्ट के जरिये अदा करेंगे।

ग. यह कि उपरोक्त तय धनराशि अर्थात् रु. 4,00,000/- (चार लाख रुपये मात्र) में से आवेदक सं. 1 ने रु. 1,00,000/- (एक लाख रुपये) की धनराशि प्रतिवादी सं. 2 को पहले ही अदा कर दी है जिसकी प्राप्ति प्रतिवादी सं.- 2 ने सुनिश्चित की है।

घ. यह कि आज दिनांक 24.01.2025 को आवेदक सं. 1 ने बकाया धनराशि अर्थात् रु. 3,00,000/- (तीन लाख रुपये मात्र) का एक डिमाण्ड ड्राफ्ट सं. 498142 जो कि पंजाब नेशनल बैंक द्वारा दिनांक 23.01.2025 को प्रतिवादी सं. 2- *Sunil Kumar Singh* के नाम जारी किया गया है, प्रतिवादी सं. 2 को सौंप दिया है जिसकी प्राप्ति प्रतिवादी सं. 2 ने सुनिश्चित की है।

ड. यह कि दोनों पक्षों के मध्य यह भी तय हुआ है कि इस तय धनराशि को प्राप्त करने के पश्चात् दोनों पक्षों के मध्य अपराध सं. 0310 of 2021 कोई दावा, विवाद व देनदारी एक दूसरे के प्रति शेष नहीं रहेगी।

च. यह कि यदि माननीय न्यायालय द्वारा *Application U/S 528 BNSS No. 41551 of 2024* में आदेश पारित कर दें तो प्रतिवादी सं. 2 को किसी भी तरीके से कोई आपत्ति नहीं होगी।"

6. In view of the above Settlement Agreement, learned counsel for the applicants with reference to the statement of both the parties recorded in settlement agreement that by signing this Agreement the parties hereto state that they have no further claim against each other with respect to the present application and all disputes and differences in this regard have been amicably settled by the parties hereto through the process of Conciliation/Mediation, the entire proceedings of the aforesaid criminal case may be quashed by this Court.

7. Learned counsel for the opposite party no. 2 as well as learned AGA could not dispute the above submission made by the learned counsel for the applicants.

8. This Court is not unmindful of the following judgements of the Apex Court:

1. B.S. Joshi and others Vs. State of Haryana and Another; (2003)4 SCC 675, 2. Nikhil Merchant Vs. Central Bureau of Investigation; (2008) 9 SCC 677, 3. Manoj Sharma Vs. State and Others; (2008) 16 SCC 1,4. Gian Singh Vs. State of Punjab; (2012); 10 SCC 303,5. Narindra Singh and others Vs. State of Punjab; (2014) 6 SCC 466, and6. Ramgopal & Anr. Vs. State of Madhya Pradesh; 2021 Legal Egale (SC) 569.

9. In the aforesaid judgments, the Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non compoundable offences.

10. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by the counsel for the parties, the court is of the considered opinion that no useful purpose shall be served by prolonging the proceedings of the above mentioned criminal case as the parties have already settled their dispute.

11. Accordingly, the entire proceedings of Case 12084 of 2022 (State Vs. Abhishek and Another) arising out of Case Crime No. 0310 of 2021 under Section 406 I.P.C. Police Station- Haldharpur, District- Mau is, hereby, quashed.

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

August 5, 2026
Akbar

(Madan Pal Singh,J.)