



2026:AHC:58604

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 2122 of 2026

Rinku

.....Applicant(s)

Versus

State Of U.P And Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Himanshu Dubey, Shubham Pandey
Counsel for Opposite Party(s) : G.A.

Court No. - 78

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Himanshu Dubey, learned counsel for the applicant and learned A.G.A. for State.

2. Learned counsel for the applicant submits that the F.I.R. has been lodged by the opposite party no.2 for matrimonial discord against the accused-applicant no.1, husband and applicant no.2 (mother-in-law) on 03.08.2022 for matrimonial atrocities and demand of dowry. The marriage between the accused-applicant no.1 and opposite party no.2 was solemnized on 07.12.2020. The marriage could not subsist and led to the lodging of F.I.R. The learned counsel submits that presently, the parties are pursuing divorce by mutual consent and the copy of petition for divorce by mutual consent is at page no.52 of the application. He further submits that the parties have moved the application for compounding of the offence before the trial court, which was rejected by order dated 21.11.2025, considering the same as not maintainable in view of Section 320 CrPC. Hence, the present application has been moved to quash the entire proceeding of Criminal Suit No.2764 of 2024 (State Vs. Rinku and others), arising out of Case Crime No.195 of 2022, under Sections 498-A, 323, 504, 506 IPC and Section 3/4 of D.P. Act, Police Station Narsena, District Bulandshahr, pending before Additional Chief Judicial Magistrate, Court No.4, Meerut, inter alia, on the ground of compromise.

3. There is no point in issuing notice to opposite party no.2 as she is stated to be ready for compromise.

4. Learned AGA for the State submits no objection if the parties approach

trial court to file compromise in the given circumstances.

5. Hon'ble the Supreme Court in the cases of ***Geeta Mehrotra and another Vs. State of Uttar Pradesh and another*** reported in **(2012) 10 SCC 741** made observation borne out of experience that there is a tendency to involve entire family members of the household in the domestic quarrel taking place in a matrimonial dispute. Further, in case of ***Kahkashan Kausar alias Sonam and others Vs. State of Bihar and others***, reported in **(2022) 6 SCC 599**, Hon'ble the Supreme Court has observed the misuse of Section 498-A IPC and increasing tendency of implicating relatives of husband.

6. In the case of ***Narendra Kumar and Others v. State and Another*** reported in **2024 SCC OnLine SC 4048** (relevant paragraph 21), Hon'ble the Supreme Court while considering the co-extensive powers of the Supreme Court and High Court under Article 142 of the Constitution of India and Section 482 CrPC (528 BNSS), respectively. On the point of quashing criminal proceeding on the basis of compromise in a non-compoundable offence, particularly, in the matrimonial cases, opined, considering the previous judgments of Hon'ble the Supreme Court, the inherent power vested in the Constitution Courts to quash the proceedings on the basis of settlement and compromise between the victim and wrongdoer, to be exercised to secure the ends of justice.

7. Whether the parties (informant, victim and accused) have entered into compromise, can best be adjudicated by the trial court. As such, the parties may appear before the trial court and file the compromise entered into between the parties within **thirty days**, which shall be verified by the trial court. The trial court shall place the original in its record.

8. No compromise shall be entertained by the trial court if the informant, victim and accused are not signatories and appear before the court for its verification. In case of exigency, the trial court shall apply its mind and pass appropriate order.

9. For a period of **two months**, the proceedings of the trial court shall be kept in abeyance, if the compromise is filed and verified within stipulated period, otherwise, the trial court shall continue with the trial.

10. **All the parties, who files compromise and get it verified shall then**

file a joint application invoking inherent power of this Court to quash the criminal proceeding.

11. In view of the above, the application under Section 528 BNSS/482 CrPC is accordingly *disposed of*.

(Avnish Saxena,J.)

March 20, 2026
Shivangi