



2026:AHC:60055

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 6321 of 2026

Akhilesh Yadav And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Vandana Singh
Counsel for Opposite Party(s)	:	G.A., Pradeep Yadav

Court No. - 77

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard Ms. Vandana Singh, learned counsel for the applicants, Sri Pradeep Yadav, learned counsel for the opposite party no.2 and learned AGA for the State.

2. The instant application has been preferred for seeking quashing of the entire proceedings of Criminal Case No.1874 of 2025 (State vs. Akhilesh Yadav and Others) arising out of Case Crime No.12 of 2024, under sections 34, 323, 504, 506, 308 IPC, P.S. Maharajganj, District- Azamgarh, pending in the court of learned Additional Chief Judicial Magistrate, Court No.11, Azamgarh, including charge-sheet dated 23.03.2024, cognizance/summoning order dated 02.06.2025 and order dated 14.01.2026.

3. At the very outset, it has been jointly submitted by learned counsel for the parties that both the parties have already entered into a compromise, which has been reduced in writing on dated 13.01.2026 and the same has been preferred before learned court of Additional Chief Judicial Magistrate, Court No.11, Azamgarh in Criminal Case No.1874 of 2025 (State vs. Akhilesh Yadav and Others) for verification. While adjudicating the same, learned court concerned rejected the compromise vide impugned order dated 14.01.2026 in pursuance to section 320 Cr.P.C. on the ground that the offence under which cognizance has been taken up by learned court concerned is non-compoundable as well as on the ground that applicants have not extended bail in the instant

case crime number. Learned counsel for the parties relied upon the judgment rendered by Hon'ble the Apex Court in the case of **Gian Singh vs. State of Punjab (2012) 10 SCC 303** to submit that if the offence is non-compoundable and the parties have amicably settled their dispute, the entire criminal proceedings may be quashed on the basis of compromise entered into between the parties. The relevant paragraph of said is being quoted herein below:-

"54. Where High Court quashes a criminal proceeding having regard to the fact that dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor..."

4. The argument raised by learned counsel for the parties seems to be justified since in catena of the judgments, Hon'ble the Apex Court has observed that if the offence is non-compoundable which is having no serious impact on society then there would be no harm and error if the proceedings may be quashed in light of the compromise entered into between the parties. In the case of **H.N. Pandakumar Vs. State of Karnataka [2025 INSC 37]**, Hon'ble the Apex Court has also observed as under:-

"5. In light of the amicable settlement and the complainant's unequivocal consent, as evidenced by the Interlocutory Application, this Court finds it appropriate to allow the present M.A. While the offense under Section 326 IPC is non-compoundable under the provisions of the Criminal Procedure Code, 1973, the exceptional circumstances of this case, including the voluntary settlement between the parties, warrant the exercise of this Court's inherent powers to give effect to the compromise."

5. Per contra, learned AGA although supported the order dated 14.01.2026, but at the same time consented with the dictum pronounced by Apex Court in **H.N. Pandakumar (supra)**.

6. In view of aforementioned facts and circumstances of the case, the entire proceedings of Criminal Case No.1874 of 2025 (State vs. Akhilesh Yadav and Others) arising out of Case Crime No.12

of 2024, under sections 34, 323, 504, 506, 308 IPC, P.S. Maharajganj, District- Azamgarh, pending in the court of learned Additional Chief Judicial Magistrate, Court No.11, Azamgarh, including charge-sheet dated 23.03.2024, cognizance/summoning order dated 02.06.2025 and order dated 14.01.2026, are hereby set-aside.

7. The instant application stands **allowed** accordingly.

March 23, 2026
Saif

(Saurabh Srivastava,J.)