



2026:AHC:61977

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 9549 of 2026

Deepak Kumar And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Diwan Saifullah Khan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 78

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Mr. Aijaj Khan, holding brief of Mr. Diwan Saifullah Khan, learned counsel for the applicants, learned A.G.A. for the State and perused the record.

2. The present application under Section 528 B.N.S.S. has been preferred to allow this application and quash the Case No. 754 of 2020 (State Vs. Deepak and others) arising out of Case Crime No. 16 of 2019, under Sections 498A, 323, 504, 506 I.P.C. and Section 3/4 D.P. Act, Police Station-Mahila Thana, Sector-39, Noida, District-Gautam Buddh Nagar, pending in the court of Civil Judge (Junior Division)/ F.T.C. Second, Gautam Budh Nagar.

3. Learned counsel for the applicants submits that the parties have settled their dispute through compromise dated 05.04.2023, placed as Annexure No. '4' to the present application which has been duly verified by the Court of learned Civil Judge (Junior Division)/F.T.C.-2, Gautam Buddh Nagar vide order dated 29.10.2024.

4. Learned counsel for the applicants submits that the present dispute arises out of matrimonial discord between the applicants and the opposite party No. 2. It is also argued that the parties have willingly entered into a settlement and not under duress or threat or coercion and are not interested in pursuing the matter pending in the Court concerned and, therefore, the impugned proceedings be quashed on the ground of compromise between the parties and they do not propose to file the counter affidavit and rejoinder affidavit.

5. Learned A.G.A. also does not dispute the correctness of the submissions made by the learned counsel for both the parties.

6. The law with regard to quashing of a case on the basis of settlement

arrived between the parties, is well settled.

7. In the light of the judgment of Hon'ble Apex Court in **B.S. Joshi and Others Vs. State of Haryana and another, (2003) 4 SCC 675**, it has been held that *"High Courts have the inherent power under Section 482 of the Criminal Procedure Code (Cr.P.C.) to quash First Information Reports (FIRs) and criminal proceedings, particularly in matrimonial disputes where a genuine settlement has been reached between the parties. The Court clarified that Section 320 Cr.P.C., which lists compoundable offences, does not restrict this power, and exercising it is crucial for promoting amicable settlements and serving the ends of justice, even if the offences are otherwise non-compoundable."*

8. The Hon'ble Supreme Court in its Constitutional Bench Judgment in **Gian Singh Vs. State of Punjab and Another, (2012) 10 SCC 303**, has held that *"But the criminal cases having overwhelmingly and pre-dominantly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim."*

9. The Hon'ble Supreme Court in **Parbatbhai Ahir alias Parbatbhai Bhimsinhbhai Karmur and others vs. State of Gujarat and another, (2017) 9 SCC 641** has laid down broad principles of quashing the criminal proceedings in exercise of inherent jurisdiction on the ground that *"even in the non compoundable cases on the basis of compromise, criminal proceedings can be quashed so that valuable time of the court can be saved and utilized in other material cases."*

10. The parties have agreed to withdraw the proceedings pending amongst them in Court concerned. From perusal of the records and the law as cited above, the present case is a good case for exercise of power by the Court to quash summoning order as well as entire proceedings.

11. The dispute appears to be purely of a matrimonial in nature that has been mutually settled between the parties to their entire satisfaction, therefore, no useful purpose would be served in allowing the prosecution to continue any longer.

12. The present application for quashing filed under Section 528 B.N.S.S. comes within the parameters as laid down by the Hon'ble Supreme Court in **Pradeep Kumar Kesarwani Vs. State of Uttar Pradesh & Another**, Criminal Appeal No. 3831 of 2025, SLP (Crl.) No. 11642 of 2019 dated 02.09.2025.

13. In view of above, the entire proceedings in Case No. 754 of 2020 (State Vs. Deepak and others) arising out of Case Crime No. 16 of 2019, under Sections 498A, 323, 504, 506 I.P.C. and Section 3/4 D.P. Act, Police Station-Mahila Thana, Sector-39, Noida, District-Gautam Buddh Nagar, are hereby quashed.

14. The present application under Section 528 B.N.S.S. is, accordingly, **allowed.**

March 25, 2026
Shivani

(Nand Prabha Shukla,J.)