



2026:AHC:65726

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 12508 of 2026

Aman @ Mohd Aman

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Peeyush Kumar Pathak, Prateeyush
Kumar Pathak

Counsel for Opposite Party(s) : G.A.

Court No. - 80

HON'BLE VIVEK KUMAR SINGH, J.

1. Vakalatnama filed today by Sri Abhinav Singh on behalf of the opposite party no. 2 is taken on record.

2. Heard learned counsel for the applicant, learned counsel appearing for the informant-opposite party no. 2 and learned A.G.A. appearing for the State respondents.

3. Present application u/s 528 BNSS has been filed for quashing the entire proceeding of Session Trial No. 1616 of 2025 (State vs. Aman) arising out of Case Crime No. 371 of 2024, under Sections 69, 351(3) BNS, Police Station Chandpur, District Bijnor and charge-sheet no. 243 of 2024 dated 6.8.2024 as well as cognizance / summoning order dated 5.10.2024 pending before Additional District Judge / F.T.C.-1, Bijnor.

4. It is submitted by learned counsel for the applicant that the applicant and the victim / first informant have entered into compromise and a compromise deed dated 2.1.2026 was executed between the parties, which has been appended along with present application as Annexure-7. It is further submitted that the compromise deed has been verified by learned court concerned vide order dated 6.2.2026 in pursuance of the order dated 21.2.2026 passed by this Court in Application u/s 528 BNSS No. 1915 of 2026 (Aman @ Mohd. Aman vs. State of U.P. and another). It is submitted that the compromise has been accepted by the parties and the same has been verified by the trial court. It is further submitted that even

otherwise, the offence is not made out against the present applicant since a consensual relationship had been converted into case of rape. It is further submitted that the victim in her statement recorded under Section 183 BNSS stated that she conceived pregnancy several times, however, the same was terminated with the help of the applicant. It is also admitted by the victim that sexual relationship were established between the applicant and the victim on account of false promise of marriage. It is also submitted that in view of the law laid down by Hon'ble Supreme Court in the cases of **Shambhu Kharwar vs. State of Uttar Pradesh and another** reported in 2022 SCC Online SC 1032, **Prashant vs. State of NCT of Delhi** reported in (2025) 5 SCC 764, **Rajnish Singh @ Soni vs. State of U.P. and another** reported in (2025) 4 SCC 197 and **Kunal Katterjee vs. The State of West Bengal and another** decided by Hon'ble Supreme Court on 29.7.2025 in SLP (Cri) No. 7004 of 2025 no offence is made out against the present applicant since the Hon'ble Supreme Court has held that mere breaking of a relationship between a consenting couple cannot result in initiation of criminal proceedings. What was a consensual relationship between the parties at the initial stage cannot be given a colour of criminality when the said relationship does not fructify into a marital relationship. In last, it is submitted that in view of the law laid down by Hon'ble Supreme Court in compromise between the parties which has been verified by the trial court in pursuance of the order dated 21.1.2026, the criminal proceedings be quashed against the present applicant.

5. It is further contended that in view of the said compromise, the pending proceedings before the court below be quashed in the light of the Judgments of Apex Court in the case **B.S. Joshi v. State of Haryana and others**, 2003(4) SCC 675, and that of **Gian Singh v. State of Punjab**, 2012(10) SCC 303.

6. Learned counsel for the applicants in support of his contention has placed reliance on the judgments of Apex Court in the case of **Narinder Singh vs. State of Punjab** reported in (2014) 6 SCC 466, **Yogendra Yadav vs. State of Jharkhand** reported in (2014) 9 SCC 653 and **Parbatbhai Aahir Vs. State of Gujarat** reported in (2017) 9 SCC 641 and has submitted that the applicants and opposite party no. 2 have settled

their differences through compromise 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. On the other hand, learned counsel for opposite party no. 2 and learned A.G.A. for the State have no objection to the above submissions.

8. The Apex Court in the case of **B.S Joshi (Supra)** has held that in case the dispute has come to an end, under a compromise/settlement, between the parties, then notwithstanding anything contained under Section 320 IPC there is no legal impediment for this court to quash the proceedings of Section 498-A I.P.C etc, under its inherent powers in view of the recorded settlement between the parties. The Apex Court in the case of **Gian Singh (supra)** has held in para-61 that;

"the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences Under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving

such offences. But the criminal cases having overwhelmingly and pre-dominantly civil favour 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. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

9. In a recent judgment in **Ram Gopal and Another vs. State of Madhya Pradesh, (Criminal Appeal No. 1488 of 2012)**, decided on 29.9.2021, reported in (2022) 118 ACC 318, the Supreme Court once again reiterated that even if the offences are non-compoundable, the High Court can quash the proceedings in exercise of its inherent powers under Section 482 CrPC, having regard to the nature of the offences and the fact that parties have amicably settled their dispute and the victim has willingly consented to the nullification of criminal proceeding. While so holding, it has been pointed out that the High Court can indisputably evaluate the consequential effects of the offences beyond the body of an individual and thereafter adopt a pragmatic approach, to ensure that the felony, even if goes unpunished, does not tinker with or paralyse the very object of the administration of criminal justice system. In para 14 of the said judgment, the principles have been summarized as follows: -

"14. In other words, grave or serious offences or offences which involve moral turpitude or have a harmful effect on the social and moral fabric of the society or involve matters concerning public policy, cannot be construed betwixt two individuals or groups only, for such offences have the potential to impact the society at large. Effacing abominable offences through quashing process would not only send a wrong signal to the community but may also accord an undue benefit to unscrupulous habitual or professional offenders, who can secure a 'settlement' through duress, threats, social boycotts, bribes or other dubious means. It is well said that "let no guilty man escape, if it can be avoided."

10. The Supreme Court in another judgment of **Madhukar and Others vs. The State of Maharashtra and Another**, arising out of **SLP (Criminal) No. 7212 of 2025**, alongwith **Prabhakar vs. The State of Maharashtra and Another**, arising out of **SLP (Criminal) No. 7495 of 2025**, quashed the proceedings of case crime no.302 of 2023, dated 20.11.2023, under sections 324, 141, 143, 147, 149, 452, 323, 504 and 506 of the Indian Penal Code, 1860 as well as quashed the proceedings of case crime no.304 of 2023, dated 21.11.2023, under sections 376, 354-A, 354-D, 509 and 506 IPC on the basis of compromise between the parties. Paragraph nos.6, 7 and 8 of the said judgment are reproduced herein:-

"6. At the outset, we recognise that the offence under Section 376 IPC is undoubtedly of a grave and heinous nature. Ordinarily, quashing of proceedings involving such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly. However, the power of the Court under Section 482 CrPC to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case.

7. In the present matter, we are confronted with an unusual situation where the FIR invoking serious charges, including Section 376 IPC, was filed immediately following an earlier FIR lodged by the opposing side. This sequence of events lends a certain context to the allegations and suggests that the second FIR may have been a reactionary step. More importantly, the complainant in the second FIR has unequivocally expressed her desire not to pursue the case. She has submitted that she is

now married, settled in her personal life, and continuing with the criminal proceedings would only disturb her peace and stability. Her stand is neither tentative nor ambiguous, she has consistently maintained, including through an affidavit on record, that she does not support the prosecution and wants the matter to end. The parties have also amicably resolved their differences and arrived at a mutual understanding. In these circumstances, the continuation of the trial would not serve any meaningful purpose. It would only prolong distress for all concerned, especially the complainant, and burden the Courts without the likelihood of a productive outcome.

8. Therefore, having considered the peculiar facts and circumstances of this case, and taking into account the categorical stand taken by the complainant and the nature of the settlement, we are of the opinion that the continuation of the criminal proceedings would serve no useful purpose and would only amount to abuse of process."

11. I have gone through the allegations/charges against the accused/s and I am of the opinion that these are not of such nature as would fall within the excepted class of cases where quashing the proceeding and permitting the accused to go unpunished, would have any detrimental effect on the society at large. As the parties have already settled their dispute, there is no likelihood of conviction of the applicants. In fact, the charges against the applicants stand impliedly withdrawn and abandoned, therefore, in order to secure ends of justice, the proceedings are liable to be quashed.

12. From perusal of the record, it is apparent that parties have entered into compromise and appear to have settled their real disputes amicably, which has also been verified by the Court below, copy of which report is on record. Thus, it further appears that the opposite party no. 2, who would be the key prosecution witness, if the trial were to proceed, have declared their unequivocal intent to turn hostile at the trial. In such circumstances, it is apparent that merits and truth apart, the proceedings in trial, if allowed to continue, may largely be a waste of precious time by the learned court below.

13. Considering the facts and circumstances of the case and the

submissions advanced by learned counsel for the parties regarding the compromise entered into between the parties and taking all these factors into consideration cumulatively, the compromise between parties be accepted and further taking into account the legal position as laid down by the Apex Court in the case of **Gian Singh v. State of Punjab, 2012(10) SCC 303, Narinder Singh vs. State of Punjab (supra), Yogendra Yadav vs. State of Jharkhand (supra) and Parbatbhai Aahir Vs. State of Gujarat (supra), Madhukar (supra)** the entire proceedings of the aforesaid case is hereby quashed.

14. In view of the aforesaid, the entire proceeding of Session Trial No. 1616 of 2025 (State vs. Aman) arising out of Case Crime No. 371 of 2024, under Sections 69, 351(3) BNS, Police Station Chandpur, District Bijnor and charge-sheet no. 243 of 2024 dated 6.8.2024 as well as cognizance / summoning order dated 5.10.2024 pending before Additional District Judge / F.T.C.-1, Bijnor are hereby quashed.

15. Accordingly, the application stands allowed.

(Vivek Kumar Singh,J.)

March 30, 2026
Lalit Shukla