



2026:AHC:56486

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 10893 of 2026

Jishan Khan And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shubham Kesarwani
Counsel for Opposite Party(s)	:	G.A., Md Faiz Siddiqui

Court No. - 78

HON'BLE AVNISH SAXENA, J.

1. Sri Shubham Kesarwani, learned counsel for the accused-applicant appears and submits that the F.I.R. has been lodged by the opposite party no.2, who is wife of applicant no.1 and daughter-in-law of applicant nos.2 and 3. The allegation in the F.I.R. dated 30.08.2019 is about matrimonial atrocities and that applicant no.3 tried to commit rape on opposite party no.2. He submits that the trial is continuing. It is during the trial that the parties have entered into compromise, which is at page-56 of the application. He submits that it is basically a matrimonial dispute, which has given the colour of aggravated and graver offence. Hence, seeks intervention of this Court to quash the charge sheet dated 19.10.2019, cognizance order dated 29.11.2019 and the entire criminal proceedings of Case No.7716 of 2019 (State Vs. Jishan Khan and others), arising out of Case Crime No.278 of 2019, under Sections 498-A, 323, 504, 506, 307, 376 IPC and 3/4 of D.P. Act, Police Station Jansath, District Muzaffarnagar, pending before the court of Chief Judicial Magistrate, Muzaffarnagar, inter alia, on the ground of compromise.

2. Sri Mohd. Faiz Siddiqui, learned counsel for the opposite party no.2 appears and submits that it is the matrimonial dispute on the basis of which, the F.I.R. has been lodged. He admits the factum of compromise entered into between the parties.

3. Learned counsel for the parties further submits that parties have amicably resolved their personal dispute, therefore, does not want to get

adjudication of alleged criminal act and prayed that the aforesaid criminal case may be quashed in pursuance to 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 ***Madhukar and others Vs. State of Maharashtra and another*** reported in **2025 SCC OnLine SC 1415** (relevant paragraphs 5, 6 and 7) Hon'ble Supreme Court has considered the power of High Court under Section 482 Cr.P.C. (under Section 528 B.N.S.S.) for quashing criminal proceedings in terms of compromise. It is held that inherent power must be exercised in reference to the facts of each case. It is further observed that the offence under Section 376 IPC is undoubtedly is of grave and heinous nature and ordinarily quashing of proceedings involved such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly. With the same conviction, on the other hand, held that the power of Court under Section 482 Cr.P.C. is to secure the ends of justice is not constrained and must be exercised with reference to the facts of each case. This observation has been made when the parties have resolved their disputes amicably and desirous of moving on in their life and the FIR is the result of same reactionary effect. In such circumstances, Hon'ble the Supreme Court has held that the continuation of the trial would not serve any meaningful purpose, on the contrary, it would only prolong the distress for all concerned, specially the complainant and burden the Court without the likelihood of a productive outcome.

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 19, 2026

Shivangi