



2026:AHC:57756

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 11125 of 2026

Adesh Yadav

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Krishna Dutt Awasthi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 78

HON'BLE AVNISH SAXENA, J.

1. Shri Krishna Dutt Awasthi, learned counsel for the accused applicant appeared and submits that the FIR of rape has been lodged by opposite party no. 2 against the accused applicant, who is relative, on 20.04.2017 for the incident of rape committed on 16.04.2017 at 2:30 p.m. in the house of the victim. Learned counsel submits that the accused applicant is innocent and has not committed the offence of rape on his sister-in-law. Further submits that the victim though stated in her statement under Section 164 CrPC against the accused applicant but subsequently during the trial she became hostile. The substance of her becoming hostile have been entered in paragraph no. 13 of the affidavit accompanying the application. He further submits that there was a dispute regarding the money transactions in the shape of personal loan, the claim of which led to the lodging of the false FIR. He has drawn the attention of this Court towards a compromise entered between the parties at Page-57, wherein it is mentioned that the accused applicant has been falsely implicated in the offence which has not been committed by the applicant. Further mentioned that there is a misunderstanding between the parties which led to lodging of the FIR. Now the parties do not want to continue with the criminal case. Hence, seeks interference of this Court to quash the charge sheet, summoning order and proceeding of Special Case No. 146 of 2017 (State Vs. Adesh Yadav) arising out of Case Crime No. 299 of 2017, under Sections 323, 506, 376 IPC, P.S.- Auraiya, District- Auraiya, *inter alia* on the ground of compromise.

2. Learned A.G.A. for State submits no objection if the parties approach trial court to file compromise in the given circumstances.

3. Sri Girja Shanker Sen, learned counsel for opposite party no. 2 appeared and hands up Vakalatnama, the same is taken on record. He admits the close family relations between the parties and further submits that the victim has, under pressure of husband, lodged the FIR. He admits the factum of compromise between the parties.

4. 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 undoubtedly is of grave and heinous nature and ordinarily quashing of proceedings involving 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.

5. 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 **30 days**, which shall be verified by the trial court. The trial court shall place the original in its record.

6. 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.

7. 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.

8. 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.

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

(Avnish Saxena,J.)

March 20, 2026

Sharad/-