



2026:AHC:64974

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 11133 of 2026

Aalam Alias Alam Pasha And 6 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Amiruddin Siddique, Ankit Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 78

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Mr. Ankit Shukla, learned counsel for the applicants, learned A.G.A. for the State and perused the record.

2. The present application under Section 528 BNSS has been filed to allow this application and quash the entire proceeding of Case No. 40120 of 2025 (CNR No. UPMO040484242025) (State of U.P. v. Alam / Faisal and Others) arising out of Case Crime No. 460 of 2024, under Sections 85, 74, 115 (2) of B.N.S. and Section 3/4 of Dowry Prohibition Act, Police Station:-Bilari, District:-Moradabad as well as Charge Sheet bearing No. 460/2024 dated 08.09.2024 under Sections 85, 74, 115(2) of B.N.S. and Section 3/4 of Dowry Prohibition Act, Police Station:-Bilari, District:-Moradabad along-with cognizance /summoning order dated 16.07.2025 issued/passed by Additional Chief Judicial Magistrate, Court No. 01, Moradabad in the aforementioned matter on the basis of compromise deed/ settlement-agreement dated 10.12.2025.

3. It is submitted by learned counsel for the parties that the parties appeared before the Court concerned for verification of the compromise dated 10.12.2025, (Annexure No. 4). The said compromise has been duly verified by the Additional Chief Judicial Magistrate, vide order dated 16.02.2026, (Annexure No. 6).

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 counsel for the opposite party No. 2 admits the arguments of learned counsel for the applicants and states that he has no objection if the impugned proceeding pending against the applicants, is quashed.

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

7. The law with regard to quashing of a case on the basis of settlement arrived between the parties, is well settled. 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 BNSS 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 proceeding of Case No. 40120 of 2025 (CNR No. UPMO040484242025) (State of U.P. v. Alam / Faisal and Others) arising out of Case Crime No. 460 of 2024, under Sections 85, 74, 115 (2) of B.N.S. and Section 3/4 of Dowry Prohibition Act, Police Station:-Bilari, District:-Moradabad, are hereby quashed.

14. The present application under Section 528 BNSS is, accordingly, **allowed.**

(Nand Prabha Shukla,J.)

March 28, 2026
Aditya Tripathi