



2026:AHC:128712

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 1931 of 2026

Naushad Ahmad And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Mohd. Fazal Ansari, Mohd. Mobin Ansari

Counsel for Opposite Party(s) : Mohd Muqem Ansari, G.A.

Court No. - 68

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Mohd. Shah Liyaqat Rauf holding brief of Sri Mohd Muqem Ansari, learned counsel for the applicants, Sri Chandra Bhan, learned A.G.A. for the State, and Sri Mohd. Muqem Ansari, learned counsel for opposite party no. 2.

2. This application under Section 528 of the BNSS has been preferred seeking quashing of the entire criminal proceedings of Case No. 47 of 2010 arising out of Case Crime No. 205 of 2009, under sections 323, 504 and 506 IPC, P.S. Khuldabad, District Allahabad, pending before the Court of learned Additional Chief Judicial Magistrate, Allahabad including the charge-sheet dated 23.05.2009 and the cognizance/summoning order dated 23.01.2010.

3. This Court, on 29.04.2026, passed the following order:-

"1. Heard learned counsel for applicants, Sri Mohd Muqem Ansari, learned counsel for opposite party No.2 and learned AGA for the State.

2. The applicants have invoked the inherent jurisdiction of this Court under Section 528 BNSS to quash the charge sheet dated 23.5.2009 along with cognizance order dated 23.1.2010 as well as entire proceeding of Case No.47 of 2010, arising out of Case Crime No.205 of 2009, under Sections 323, 504, 506 I.P.C., P.S. Khuldabad, District Allahabad.

3. It is submitted that during pendency of the criminal proceedings, both the parties have arrived at a compromise and settled their dispute amicably out of the Court. Therefore, instant application may be allowed and criminal proceedings may be quashed.

4. Learned counsel for the opposite party No. 2 has nodded the factum of the compromise entered into between the parties and he has no objection, in case the matter is referred before the court below for verification of compromise. It is further submitted that opposite party no. 2 is no more inclined to prosecute the criminal proceeding against the applicants. Therefore, instant application may be allowed and criminal proceedings against the applicants may be quashed.

5. Learned A.G.A. has no objection in referring the matter before the court below for verification of compromise.

6. In this conspectus, as above, both the parties are hereby directed to appear before the court below along with compromise deed in the week commencing 11.5.2026 to get their compromise verified. The learned court concerned, in turn, shall verify the same in presence of both the parties after recording their statements and submit its verification report on or before the next date fixed.

7. Put up as fresh on 25.05.2026, along with compromise verification report submitted by the court concerned.

8. Learned counsel for applicants also directed to file supplementary affidavit annexing the original/certified copy of the compromise application as well as compromise verification report by the next date fixed.

9. Interim order, if any, is extended till the next date of listing.

10. Office is directed to return the original compromise deed to the learned counsel for the applicants, if any, after taking the photocopy of the same. "

4. Learned counsel for the applicants submits that all disputes and differences between the parties have been amicably settled. It is further submitted that a compromise was entered into between the parties and was filed before the court concerned. By order dated 29.04.2026, the court directed verification of the compromise, and pursuant thereto, the compromise was duly verified on 12.06.2026. A copy of the verified compromise has been brought on record as Annexure S.A.-2 at page no. 12 of the supplementary affidavit filed on 16.06.2026. At this stage, learned counsel further submitted that continuation of the proceedings of the aforesaid case will be an abuse of process of law. No fruitful purpose would be served keeping the matter pending. In support of his contention, learned counsel for the applicants has also placed reliance on the law laid down by Apex Court in ***Gian Singh vs. State of Punjab, (2012), 10 SCC 303, B.S. Joshi and others vs. State of Haryana and another, (2003) 4 SCC 675 and***

Madan Mohan Abbot vs. State of Punjab, (2008) 4 SCC 582.

5. On the other hand, learned counsel for the opposite party No. 2 as well as learned AGA submit that since the dispute between the parties has been settled, opposite party no.2 has no objection if the proceedings of the aforesaid case pending before the trial court be quashed.

6. I have considered the submissions made by the learned counsel for the parties and have gone through the entire record.

7. In all the aforesaid cases, the Apex Court has laid down the law that criminal proceedings may be quashed even in non-compoundable cases by the High Court in exercise of its extraordinary jurisdiction to restore peace between the parties and in case the justice so demands. According to Hon'ble Supreme Court, if the offence involve private dispute between the parties of commercial nature or matrimonial dispute and it is not related to heinous offence, the proceedings may be quashed.

8. Since the dispute between the parties has been amicably and mutually settled, no fruitful purpose would be served by permitting to continue the criminal case pending before the trial court and it would simply be a waste of time if the aforesaid case is permitted to continue till its logical conclusion.

9. In view of the above, the Application u/s 528 BNSS. is ***allowed***.

10. The entire proceedings of Case No. 47 of 2010 arising out of Case Crime No. 205 of 2009, under sections 323, 504 and 506 IPC, P.S. Khuldabad, District Allahabad, pending before the Court of learned Additional Chief Judicial Magistrate, Allahabad, against the applicants are quashed in terms of compromise arrived at between the parties.

(Vikas Budhwar,J.)

June 23, 2026

Sushma