



2026:AHC:129743

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 25632 of 2026

Krapal And 5 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ram Shiromani Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and Sri Atul Kumar Kushwaha, Advocate, holding the brief of Sri Krishna Kant Yadav, Advocate, who has filed his vakalatnama in Court today.

2. The instant application has been filed by the applicants with the prayer to quash the entire proceedings of Case No.749 of 2025 (State vs. Krapal and other) arising out of Case Crime No.21 of 2025, under Sections 85, 115(2), 118(1), 110, 352, 351(3) of the B.N.S. and Sections 3/4 of the Dowry Prohibition Act, P.S. Kaila Devi, District Sambhal, pending in the Court of Judicial Magistrate, Sambhal at Chandausi.

3. This Court in Application u/S 528 BNSS No.12083 of 2025, on 26.03.2026, had passed the following order :

"1. Learned counsel for the applicants prays for and is granted to make necessary corrections in the prayer clause.

2. Heard Mr. Ram Shiromani Yadav, learned counsel for the applicants, Mr. Krishna Kant Yadav, learned counsel for the opposite party No.2, learned A.G.A. for the State and perused the record.

3. The present application under Section 528 BNSS has been filed with a prayer to allow this application and to quash the charge sheet dated 29-04-2025 alongwith cognizance order dated 02-08-2025 passed by learned Judicial Magistrate, Sambhal at Chandausi as well as entire criminal proceeding of Case No.749 of 2025 (State Vs. Krapal and others) arising out of Case Crime No.21 of 2025, U/S 85, 115(2), 118(1), 110, 352, 351(3) BNS, 3/4 D.P.Act, Police Station-Kaila Devi, District-Sambhal, pending in the Court of learned Judicial Magistrate, Sambhal at

Chandausi, in terms of compromise.

3. Learned counsel for the applicants submit that the parties have amicably settled their disputes vide compromise dated 07.02.2026, which has been placed as "Annexure No.-7" to the application. Therefore, no useful purpose would be served in continuing the proceedings before the Court concerned and the same is not only sheer wastage of time of the Court but also abuse of process of law.

4. Learned A.G.A., however, submits that it is the Trial Court, which has to verify the fact as to whether the parties have entered into compromise, hence the applicants may approach the concerned Court and move an application with respect to compromise between the parties, which will be decided in accordance with law.

5. In view of above, without expressing any opinion on the merits of the case, the applicants and opposite party No. 2 are directed to appear before the Trial Court along with compromise deed as well certified copy of this order within three weeks from today. It is expected that Court concerned may fix a date for the verification of the compromise and after ensuring the presence of the parties, pass an appropriate order with respect to the same in accordance with law, as expeditiously as possible, after giving opportunity of hearing to both the parties, preferably within a period of three months from the date of production of a certified copy of this order, if there is no other legal impediment. While passing the order verifying the compromise, the Court concerned shall also record the statements of the parties as to whether all the terms and conditions mentioned in the original compromise deed, so filed, have been fulfilled or not.

6. The Court in that scenario will allow the parties to obtain certified copy of the report as well as compromise and it will be open to the applicants to approach this Court again for quashing of the proceedings.

7. Till verification of compromise between the parties by the Court concerned, no coercive action shall be taken against the applicants in the aforesaid case. 8. With the aforesaid directions, this application is disposed of."

4. Pursuant to the order passed by this Court, the compromise has been verified on 05.05.2026 by the learned Civil Judge, Junior Division/Judicial Magistrate, Sambhal at Chandausi.

5. Today, when the case has been called out, learned counsel for the parties have reaffirmed the compromise that has been executed between the parties.

It has been stated that the parties have arrived at an amicable settlement and the opposite party No.2, who is the wife of the applicant No.1, are living together and continuation of these proceedings would disturb the matrimonial life of the parties and would further not be in the interest of justice.

6. The learned A.G.A., on the other hand, has pointed out that the offence in question are cognizable and non compoundable, especially Sections 110, 85 and 118(1) of the B.N.S. He, however, does not dispute the jurisdiction of this Court to entertain application under Section 528 of the B.N.S.S. and quash the proceedings even on the basis of compromise executed between the parties in non-compoundable offences.

7. This Court is not unmindful of the judgements of the Hon'ble the Supreme Court in the cases of **B.S. Joshi and others Vs. State of Haryana and another, (2003) 4 SCC 675; Nikhil Merchant Vs. Central Bureau of Investigation, (2008) 9 SCC 677; Manoj Sharma Vs. State and others, (2008) 16 SCC 1; Gian Singh Vs. State of Punjab, (2012) 10 SCC 303 and Narinder Singh and others Vs. State of Punjab, (2014) 6 SCC 466**, wherein the Hon'ble Supreme Court has categorically held that the High Court has ample power to quash proceedings on the basis of compromise between the parties even in respect of certain cognizable and non-compoundable offences.

8. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by learned counsel for the parties and seeing that the compromise has been effected and the husband and wife are living together, this Court is of the considered opinion that no useful purpose would be served by prolonging the proceedings of this case.

9. Accordingly, the entire proceedings of Case No.749 of 2025 (State vs. Krapal and other) arising out of Case Crime No.21 of 2025, under Sections 85, 115(2), 118(1), 110, 352, 351(3) of the B.N.S. and Sections 3/4 of the Dowry Prohibition Act, P.S. Kaila Devi, District Sambhal, pending in the Court of Judicial Magistrate, Sambhal at Chandausi, are hereby quashed.

10. The instant application stands **allowed**.

June 30, 2026
Kushal

(Rajiv Lochan Shukla,J.)