



2026:AHC:124635

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 22935 of 2026

Kp Singh @ Kaika @ Kausal Kumar And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Suneel Kumar, Vikas Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 33

HON'BLE NAND PRABHA SHUKLA, J.

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

2. The present application under Section 528 B.N.S.S. has been filed with a prayer to allow this application and quash the entire proceeding as well as charge sheet dated 13.09.2025 along with cognizance/ summoning order dated 18.12.2025 passed by learned Additional Chief Judicial Magistrate, Court No. 3, Rampur, in Case Crime No. 158 of 2025 (State Vs. K.P. Singh @ Kaika and others), under Sections 324(4), 115(2), 351(2), 352 of B.N.S., Police Station- Saifani, District-Rampur, pending in the court of learned A.C.J.M.-I, Rampur including the consequential proceeding on the basis of compromise held between the parties.

3. Learned counsel for the applicants submits that the applicants and opposite party no. 2 have settled the dispute through compromise which has been duly verified on 06.05.2026 by the Additional Chief Judicial Magistrate-I, Rampur.

4. Learned counsel for the applicants submits that the present dispute is of personal in nature 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 A.G.A. also does not dispute the correctness of the submissions made by the learned counsel for both the parties.

6. The law with regard to quashing of a case on the basis of settlement arrived between the parties, is well settled.

7. 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 predominatingly 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."*

8. The Hon'ble Supreme Court in **Parbatbhai Ahir alias Parbatbhai Bhimsinhbhai Karmur and others vs. State of Gujara 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."*

9. Both 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.

10. The dispute appears to be purely civil 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.

11. 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.**

12. In terms of the verification report as well as compromise settled between the parties, the proceeding of Case Crime No. 158 of 2025 (State Vs. K.P. Singh @ Kaika and others) under Sections 324(4), 115(2), 351(2), 352 of B.N.S., Police Station-Saifani, District-Rampur, pending in the court of learned A.C.J.M.-I, Rampur is hereby quashed.

13. The present application is, accordingly, allowed.

(Nand Prabha Shukla,J.)

June 2, 2026

Nisha