



2026:AHC:125113

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 10700 of 2026

Rakesh Yadav And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Surendra Nath Tripathi
Counsel for Opposite Party(s)	:	Vimal Srivastava, G.A.

Court No. - 33

HON'BLE NAND PRABHA SHUKLA, J.

1. Supplementary affidavit filed by learned counsel for the applicants is taken on record.
2. Heard Mr. Surendra Nath Tripathi, learned counsel for the applicants, Mr. Satendra Kumar Dwivedi, holding brief of Mr. Vimal Srivastava, 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 B.N.S.S. has been preferred to quash/set aside the impugned charge sheet No. 274/22 dated 24.12.2022 as well as cognizance order dated 08.06.2023 by which cognizance has been taken against the applicant no.1 under Sections 376, 506 IPC and against the applicant nos.2 and 3 under Sections 504 and 506 IPC and entire proceeding of Criminal Case No. 341 of 2023 (State Vs. Rakesh Yadav) in Crime Case No. 296 of 2022, under Sections 376, 504, 506 IPC, Police Station-Badlapur, District-Jaunpur pending before the Court of learned Additional Civil Judge (Junior Division), New Court No. III/Judicial Magistrate, Jaunpur.
4. Learned counsel for the applicants submits that the parties have settled their dispute through compromise which has been duly verified by the Court of learned A.C.J.M.-IV, Jaunpur vide order dated 18.07.2025.
5. Learned counsel for the applicants submits 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.

6. 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.

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

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

9. 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."*

10. 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."*

11. 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.

12. 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.

13. The present application for quashing filed under Section 528 B.N.S.S.

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 as well as in the case of **Madhukar & Ors; Prabhakar Vs. State of Maharashtra & Another, 2025 INSC 819**.

14. In terms of Compromise Verification Report dated 18.07.2025, the entire proceedings of Criminal Case No. 341 of 2023 (State Vs. Rakesh Yadav) in Crime Case No. 296 of 2022, under Sections 376, 504, 506 IPC, Police Station-Badlapur, District-Jaunpur, are hereby quashed.

15. The present application under Section 528 B.N.S.S. is, accordingly, **allowed**.

June 3, 2026
Shivani Sri.

(Nand Prabha Shukla,J.)