2026:AHC:152596

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 482 No. - 40993 of 2024

Chandan Kumar Patel And 2 Oters

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Santosh Dwivedi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. None appeared for the parties.

1A. Learned AGA for State is present.

2. On the last date 07.07.2026, this Court has passed the following order:-

> *"1. This is specially assigned mediation successful matter.*
> *2. None appeared for the parties.*
> *3. Mediation successful report is on record.*
> *4. Learned AGA for the State is present.*
> *5. List on 23.07.2026 at 2:00 p.m.*
> *6. If on the next date none of the parties appears for disposal of the application, the application will be disposed of on the basis of mediation successful report. "*

3.The matter is matrimonial in nature. The matter was sent to mediation vide order dated 23.04.2025 passed by co-ordinate Bench of this Court. Mediation is successful. Parties have buried their hatches. There is compromise between the parties. The order dated 23.04.2025 is reiterated underneath:-

> *"1. Heard Sri Santosh Dwivedi, learned counsel for the applicants and Sri Rajeev Kr. Singh, learned A.G.A. for the State.*
> *2. The present application has been filed to quash the charge sheet dated 15.4.2023, cognizance order dated 8.8.2023 as well as entire proceeding of case crime No. 91 of 2023, criminal case No. 95443 of 2023, under Sections 498A, 323, 504, 506 IPC and 3/4 D.P. Act, P.S. Lalpur/Pandeypur, District Varanasi.*
> *3. Contention of learned counsel for the applicants is that the present dispute is a matrimonial dispute between husband and wife which can be settled through mediation, therefore, this matter may be referred to the Mediation Centre, Allahabad High Court.*

4. Considering the nature of the case, the present matter is referred to the Mediation Centre, High Court Allahabad, subject to the condition that the applicants will deposit a sum of Rs. 25,000/- within three weeks from today with the Mediation Centre out of which Rs. 20,000/- shall be paid to opposite party no.2 on her appearance before the Mediation Centre on a date to be fixed by the mediation center. Balance Rs.5,000/- shall be retained by the mediation center towards its expenses.

5. It is also directed that while depositing money before the mediation centre, counsel for the applicants shall also file memo of parties as mentioned in case file along with the WhatsApp number as well as email ID of the private respondent(s), if available.

6. Issue notice to opposite party No.2.

7. After depositing the aforesaid amount within aforementioned time, notices shall be issued to the parties fixing some date for mediation and the Mediation Centre shall make all possible efforts to conclude the mediation and conciliation proceedings expeditiously.

8. List in the week commencing 14.7.2025. In the meantime, learned counsel for the applicants shall file an amendment application to convert this application into the application u/s 528 B.N.S.S.

9. It is further provided, if applicants file receipt of deposit of the aforesaid amount before the court below then no coercive action shall be taken against the applicants in the aforesaid case, till the next date of listing.

10. It is made clear that in case there occurs default by the applicants either in depositing the amount or in appearing before the Mediation Centre on the date fixed, the interim order shall cease to operate and the Mediation Centre shall immediately communicate to the office which in turn shall list the case within a week before the appropriate Bench for passing orders in the matter.

11. It is also made clear that in case the applicants fail to submit the receipt of the aforesaid deposit before the court below then the court below would be free to proceed against the applicants.

12. It is clarified that interim order has been granted till the next date, if the applicants fail to produce any order of this court extending the interim order after the date fixed then court below would be free to proceed against the applicants. "

4. In pursuance of the aforesaid order, the parties appeared for mediation. The report of Mediation and Conciliation Centre, High Court, Allahabad dated 26.10.2025 reveals that the parties have settled their dispute through compromise. The same is on record.

5. Learned AGA for the State has opposed the application.

6. **There is no point in getting the trial continued, when the parties have buried their differences as the star witness would not support the prosecution case.**

7. Hon'ble the Supreme Court in the cases of ***Geeta Mehrotra and another Vs. State of Uttar Pradesh and another*** reported in ***(2012) 10 SCC 741*** made observation borne out of experience that there is a tendency to involve entire family members of the household in the domestic quarrel taking place in a matrimonial dispute. Further, in case of ***Kahkashan Kausar alias Sonam and others Vs. State of Bihar and others***, reported in ***(2022) 6 SCC 599,*** Hon'ble the Supreme Court has observed the misuse of Section 498-A IPC and increasing tendency of implicating relatives of husband.

8. In the case of ***Narendira Kumar and Others v. State and Another*** reported in ***2024 SCC OnLine SC 4048*** (relevant paragraph 21), Hon'ble the Supreme Court while considering the co-extensive powers of the Supreme Court and High Court under Article 142 of the Constitution of India and Section 482 CrPC (528 BNSS), respectively. On the point of quashing criminal proceeding on the basis of compromise in a non-compoundable offence, particularly, in the matrimonial cases, opined, considering the previous judgments of Hon'ble the Supreme Court, the inherent power vested in the Constitution Courts to quash the proceedings on the basis of settlement and compromise between the victim and wrongdoer, to be exercised to secure the ends of justice.

9. Considering the compromise entered into between the parties and the law laid down by the Hon'ble Supreme Court as mentioned above, case crime No. 91 of 2023, criminal case No. 95443 of 2023, under Sections 498A, 323, 504, 506 IPC and 3/4 D.P. Act, P.S. Lalpur/Pandeypur, District Varanasi, including charge sheet dated 15.4.2023 as well as summoning/cognizance order dated 8.8.2023 passed by the Additional Chief Judicial Magistrate, Varanasi, are hereby **quashed**.

10. In view of the above, the Application under Section 528 BNSS is accordingly **allowed**.

11. Let a copy of this order be sent to District Judge concerned through **Registrar (Compliance).**

July 23, 2026
Abhishek Sri./Shivangi

(Avnish Saxena,J.)

Digitally signed by :-
ABHISHEK RANJAN SRIVASTAVA
High Court of Judicature at Allahabad