



2026:AHC:64553

## HIGH COURT OF JUDICATURE AT ALLAHABAD

### APPLICATION U/S 528 BNSS No. - 49826 of 2025

Chand Khan And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite  
Party(s)

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| Counsel for Applicant(s)      | : | Ashok Kumar Singh |
| Counsel for Opposite Party(s) | : | G.A.              |

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**Court No. - 79**

**HON'BLE AVNISH SAXENA, J.**

1. Sri Rajeev Kumar, learned counsel for the opposite party no.2 hands up the vakalatnama. The same is taken on record.
2. Heard Sri Ashok Kumar Singh, learned counsel for the accused/applicants, learned counsel for the opposite party no.2 and learned AGA for the State.
3. The instant application under Section 528 BNSS has been filed by applicant to quash the entire proceeding of Case No.1092 of 2025 (State Vs. Babu Khan and others), arising out of Case Crime No. 147 of 2025, under Sections 115(2), 351(2), 351(3), 352, 333, 110 BNS, Police Station- Bahadurgarh, District- Hapur, pending before the court of Additional Civil Judge (Junior Division)/Judicial Magistrate, Garhmukteshwar, Hapur.
4. It is contended by learned counsel for the parties that the F.I.R. has been lodged by the opposite party no.2 with the allegation upon applicants that they have beaten the son of opposite party no.2 on 10.06.2025. The F.I.R. of which was registered on 12.06.2025. The parties are neighbours. There was some dispute between the parties. The parties have buried their hatches and entered into compromise, which is at page no.84 of the application. Hence, seeks interference of this Court.
5. Learned AGA for the State submits no objection if the parties approach trial court to file compromise in the given circumstances.

6. Hon'ble the Supreme Court in the case of ***Gian Singh Vs. State of Punjab reported in (2012) 10 SCC 303*** has considered the inherent jurisdiction of the High Court vis a vis Section 320 of the Code of Criminal Procedure for considering the compromise entered into the parties and in a non compoundable case and observed that the inherent jurisdiction of the High Court is to be exercised to secure the ends of justice and to prevent the abuse of process of Court. The relevant paragraph 61, which reflects the birds eye view of the case in which the High Court ought to exercise the power to quash the proceedings is reiterated underneath:-

*".....the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences Under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominantly civil favour 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. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding....."*

7. Whether the parties (informant, victim and accused) have entered into compromise, can best be adjudicated by the trial court. As such, the parties may appear before the trial court and file the compromise entered into between the parties within **thirty days**, which shall be verified by the trial court. The trial court shall place the original in its record.

8. No compromise shall be entertained by the trial court if the informant, victim and accused are not signatories and appear before the court for its verification. In case of exigency, the trial court shall apply its mind and pass appropriate order.

9. For a period of **sixty days**, the proceedings of the trial court shall be kept in abeyance, if the compromise is filed and verified within stipulated period, otherwise, the trial court shall continue with the trial.

**10. All the parties, who files compromise and get it verified shall then file a joint application invoking inherent power of this Court to quash the criminal proceeding.**

11. In view of the above, the application under Section 528 BNSS/482 CrPC is accordingly **disposed of**.

**(Avnish Saxena,J.)**

**March 28, 2026**

Shivangi