



2026:AHC:54613

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 6503 of 2025

Abhishek Singh And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Jai Singh Yadav, Patgendra
Bhushan Misra

Counsel for Opposite Party(s) : G.A.

Court No. - 77

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Heard Sri Jai Singh Yadav, learned counsel for the applicants and Sri Hemant Pratap Singh, learned counsel for O.P. No.2, who has filed Vakalatnama today and the same is taken on record.

2. Learned counsel for the applicants submits that he has filed the instant application under Section 528 BNSS on the strength of compromise with the relief which has been mentioned in the prayer clause of the application. The relief which has been mentioned in the application is delineated below:-

"It is therefore most respectfully prayed that this Hon'ble Court may graciously be pleased to allow this application and quash the entire proceeding of Complaint Case No. 3813 of 2020 (Smt. Shweta Singh Vs. Abhishek Singh and others), under Sections 323, 406 I.P.C., Police Station Naini, District Allahabad pending in the court of Additional Civil Judge (J.D.), Court No.21, Allahabad including summoning order dated 13.01.2021 passed by Additional Chief Judicial Magistrate, Court No.2, Allahabad.

It is further prayed that this Hon'ble be pleased to stay the further proceeding of Complaint Case No. 3813 of 2020 (Smt. Shweta Singh Vs. Abhishek Singh and others), under

Sections 323, 406 I.P.C., Police Station Naini, District Allahabad pending in the court of Additional Civil Judge (J.D.), Court No.21, Allahabad, during pendency of this application before this Hon'ble Court, otherwise the applicants shall suffer irreparable loss and injury."

3. The parties, out of their own free will, have settled their dispute amicably and in furtherance thereof, they have filed a compromise application before the concerned trial court. Thereafter, this Court, vide order dated 04.02.2026, has directed the parties to appear before the concerned trial court for verification of the compromise application with a direction to the trial court to verify the compromise application in presence of both the parties and submit a report to this Court.

4. Learned counsel for the parties have not disputed the fact that the parties have settled their dispute amicably and they have filed compromise application before the trial court, which has been verified by the trial Court, vide order dated 26.02.2026, copy whereof has been filed along with supplementary affidavit.

5. In the present case, the sections involved are Section 323, 406 IPC.

6. Learned counsel for the opposite party no.2 has submitted that the O.P. No.2 does not want to proceed with the impugned criminal proceedings.

7. Therefore, in view of the above and considering the dictum of the Apex Court in re: **B.S. Joshi and others Vs. State of Haryana and Another; 2003 (4) SCC 675, Gian Singh vs. State of Punjab (2012) 10 SCC 303; State of Rajasthan vs. Shambhu Kewat, (2014) 4 SCC 149; State of Madhya Pradesh vs. Deepak (2014) 10 SCC 285; State of Madhya Pradesh vs. Manish (2015) 8 SCC 307; J.Ramesh Kamath vs. Mohana Kurup (2016) 12 SCC 179; State of Madhya Pradesh vs. Rajveer Singh (2016) 12 SCC 471** and

Parbatbhai Ahir vs. State of Gujarat (2017) 9 SCC 641, the entire proceedings of Complaint Case No.3813 of 2020 (Smt. Shweta Singh vs. Abhishek Singh and others) under section 323, 406 IPC, Police Station-Naini, District-Allahabad including the summoning order dated 13.01.2021, pending in the Court of Additional Chief Judicial Magistrate, Court No.2, Allahabad are hereby **quashed**.

8. Accordingly, the instant application is **allowed**.

March 17, 2026

Manish Himwan

(Praveen Kumar Giri,J.)