



2026:AHC:34174

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
CRIMINAL REVISION No. - 791 of 1996**

Shafiq And Another

.....Revisionist(s)

Versus

State of U.P.

.....Opposite  
Party(s)

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Counsel for Revisionist(s) : I.M. Khan, M.P.S. Chauhan  
Counsel for Opposite Party(s) : Govt. Advocate, Krishna Kumar,  
Tarunesh Kumar Srivastava

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**Court No. - 89**

**HON'BLE DIVESH CHANDRA SAMANT, J.**

1. Heard Sri M.P.S. Chauhan, learned counsel for the Revisionists. Sri Tarunesh Kumar Srivastava, learned counsel for opposite party and perused the material on record.

2. This Criminal Revision has been filed with the prayer to set aside the impugned order dated 04.05.1996 passed by learned Additional Session Judge. Aligarh in Criminal Appeal No. 10 of 1996 (Shafiq and Others Vs. State of U.P.) and impugned judgment and order dated 30.01.1996 passed by Additional Judicial Magistrate, Aligarh in Criminal Case No. 63 of 1995 (State Vs. Shafiq and Others) under Section 323 and 325 of I.P.C.

3. On 04.11.2025, the Court has passed following order:

***"Re: Criminal Misc. Recall Application No.2 of 2023.***

*Heard.*

*This recall application has been filed for recalling the bailable warrant order dated 24.07.2023 and in pursuance of the said order, a report has already been filed by Chief Judicial Magistrate, Aligarh.*

*Cause shown is sufficient for recalling the order dated 24.07.2023.*

*Accordingly, the recall application is allowed and the order dated 24.07.2023 issuing bailable warrant is hereby recalled.*

***Order on Revision.***

*Heard.*

*This revision has been preferred against the impugned judgement and order dated 4.5.1996 passed by Additional Sessions Judge, Aligarh in Crl. Appeal No. 10 of 1996 modifying the sentence and confirming the judgement and order of conviction dated 30.1.1996 passed by Additional Chief Judicial Magistrate, Aligarh in Criminal Case No. 63 of 1995 wherein the revisionist no. 1- Shafiq has been sentenced and convicted for six months rigorous imprisonment under Section 325 IPC and revisionist no. 2- Dulare has also been sentenced and convicted for three months rigorous imprisonment U/s 323 IPC.*

*It has been submitted by learned counsel for the parties that parties have entered into a compromise on 18.09.2023 sharing the pendency of the present criminal revision*

*Let the Chief Judicial Magistrate, concerned verify the compromise deed dated 18.09.2023 so entered between the parties and a report in this regard be filed by the next date fixed.*

*List in the additional cause list on 08.12.2025*

*Till the next date of listing the effect and operation of the impugned order dated 4.5.1996 passed by Additional Sessions Judge, Aligarh passed in Cri. Appeal No. 10 of 1996 shall be kept in abeyance.*

*It is made clear that this interim order shall not hinder the Magistrate in verifying the compromise.*

*Let this order be communicated to the Chief Judicial Magistrate, concerned by the Registrar (compliance) within a week."*

4. Pursuant to the above order, the learned Chief Judicial Magistrate, Aligarh vide order dated 08.12.2025 has verified the compromise so entered into between the parties and a copy of the same has been received which is available on record. The compromise deed dated 18.09.2023 has been brought on record as annexure No. 3 of the Recall Application dated 08.10.2023.

5. Learned counsel for the Revisionists submits that in view of compromise so entered into between the parties, which has also been verified by the concerned Magistrate, the entire proceedings of the aforesaid case are liable to be quashed.

6. Learned counsel for opposite party has also not denied the aforesaid facts and submits that he has no objection, if the proceedings in the aforesaid case are quashed.

7. Upon a thorough consideration of the submissions of both the learned counsels and a meticulous review of the case record, this Court finds that the voluntary compromise reached between the parties, duly verified by the court below, renders the continuation of these proceedings redundant; consequently, in the interest of justice and judicial economy, maintaining the convictions and orders issued by the Magistrate and the appellate court would serve no meaningful purpose.

8. In the case of **Shaifullah and Others Vs. State of U.P. & Another: 2013 (83) ACC 278** the Hon'ble Apex Court, by referring its various judgments, has observed that compromise can be made between the parties even in respect of certain cognizable and non compoundable offenses:

*"It so happened subsequently that the correctness of the law laid down in these three aforesaid cases was doubted & questioned. It was a curious fact that one of the Hon'ble Judges ( M. Katju,J) who himself was a member to the last two decisions mentioned above, expressed his skepticism about the correctness of law laid down in the above noted cases. As a result thereof these cases were once again referred to the larger bench to examine the correctness & validity of the law contained therein. This reference was made in the case of [Gian Singh Vs. State of Punjab](#)(2012) 10 SCC 303. The matter was heard and the issue involved was threshed threadbare. More than forty judicial precedents were referred to and cited before the Apex Court and all of them were thoroughly considered and examined. Ultimately three Judges*

Bench of the Apex Court upheld the correctness of all the three cases mentioned above, wherein the quashing of the criminal proceedings even in non compoundable offences was approved of, if the nature and circumstances of the case so warranted.."

The Hon'ble Court held:

*The law laid down by the three Judges Bench leaves the matter concluded and it remains res-integra no more.*

9. However, for quashing the entire criminal proceedings which have been initiated by opposite party against the Revisionists which culminated into the judgment and orders of the appellate court as well as concerned Magistrate convicting the Revisionists, an issue is cropped up before this Court as to whether this Court while exercising its revisional power under Section 397/401 of Code of Criminal Procedure can quash the same or not on the basis of compromise so entered into between the parties?.

10. The Apex Court in the case of **Popular Muthiah Vs. State Represented By Inspector of Police reported in (2006) 7 SCC 296** in paragraph nos. 29 and 30 has held as follows:

*"29. The High Court while, thus, exercising its revisional or appellate power, may exercise its inherent powers. Inherent power of the High Court can be exercised, it is trite, both in relation to substantive as also procedural matters.*

*30. In respect of the incidental or supplemental power, evidently, the High Court can exercise its inherent jurisdiction irrespective of the nature of the proceedings. It is not trammled by procedural restrictions in that*

*(i) power can be exercised suo motu in the interest of justice. If such a power is not conceded, it may even lead to injustice to an accused.*

*(ii) Such a power can be exercised concurrently with the appellate or revisional jurisdiction and no formal application is required to be filed therefor.*

*(iii) It is, however, beyond any doubt that the power under Section 482 of the Code of Criminal Procedure is not unlimited. It can inter alia be exercised where the Code is silent where the power of the court is not treated as exhaustive, or there is a specific provision in the Code; or the statute does not fall within the purview of the Code because it involves application of a special law. It acts ex debito justitiae. It can, thus, do real and substantial justice for which alone it exists.*

*(Emphasis supplied)*

11. Again in paragraph No.13 of the judgment of the Apex Court in the case of **Ramgopal & Another Vs. State of Madhya Pradesh** along with connected case reported **2021 SCC OnLine 834** has opined as follows:

*"13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are pre-dominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise*

*such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at, and with due regard to the nature and seriousness of the offence, besides the conduct of the accused, before and after the incidence. The touchstone for exercising the extraordinary power under Section 482 Cr.P.C. would be to secure the ends of justice. There can be no hard and fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers under Section 482 Cr.P.C. may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in *Narinder Singh & Ors. Vs. State of Punjab & Ors.*(2014) 6 SCC 466 and *State of Madhya Pradesh vs Laxmi Narayan & Ors* (2019) 5 SCC 688.*

12. This Court believes that the true purpose of the law is not just to punish, but to ensure peace and harmony within society. When parties settle their differences and choose to live in peace, that behavior should be encouraged, as a stable and conflict-free environment is essential for a good life. All too often, small disputes spiral out of control, dragging in families and friends and turning potential peacemakers into accused parties. Rather than allowing people to waste their best years in a cycle of litigation that can take decades to resolve, the law should favor mutual agreements that end bitterness and allow everyone to move forward with their lives.

13. In light of these principles, and regarding the offences under Sections **323 and 325 of the I.P.C.**, the parties are at liberty to compound the matter at any stage. Where the affected parties seek to resolve the dispute, they may rightfully move this Court to exercise its jurisdiction under **Section 397/401 of the Cr.P.C.** to recognize the settlement and release the accused, thereby prioritizing reconciliation over continued prosecution.

14. While the powers under **Section 397/401 of the Cr.P.C.** are typically reserved for cases where no other statutory remedy exists, the unique circumstances of this matter justify immediate intervention. It would not serve the interests of justice to relegate the parties back to the appellate court when a resolution has already been reached. Therefore, to ensure substantial justice and bring a final quietus to the dispute, this Court invokes its inherent authority to settle the matter once and for all.

15. Accordingly, in the exercise of its jurisdiction under **Section 397/401 Cr.P.C.** and to effectively secure the ends of justice, this Court hereby allows the present petition in light of the voluntary out-of-court settlement reached between the parties; consequently, the conviction and sentence recorded under **Sections 323 and 325 I.P.C. in Criminal Case No. 63 of 1995 (State Vs. Shafiq and Others)** are hereby annulled, and the Revisionists shall stand acquitted of all charges following the successful compounding of the offences with the affected parties.

February 16, 2026/ADY

**(Divesh Chandra Samant,J.)**