



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 12356 of 2026

Vikas Thakur @ Vikas Singh

.....Applicant(s)

Versus

State Of Up And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shikher Trivedi, Suraj Tiwari
Counsel for Opposite Party(s)	:	Shubham Ojha, G.A.

Court No. - 77

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard learned counsel for the applicant, learned counsel for the opposite party no.2 and learned A.G.A. for the State.

2. The present application has been filed for quashing of order dated 08.09.2025 and entire proceedings of Case No.70691 of 2024 (State vs. Vikas Thakur and Others), arising out of Case Crime No.30 of 2022, under Sections 452, 323, 506, 427 and 336 of I.P.C., Police Station-Gujaini, District-Kanpur Nagar, on the basis of compromise.

3. At the very outset, learned counsel for applicant submitted that both the parties have already entered into compromise which was also preferred before learned court concerned and while adjudicating the same, learned court concerned rejected the compromise vide impugned order dated 08.09.2025 on the ground that the same does not have any date and the offence under Sections 336 and 452 of IPC are non-compoundable. Learned counsel for applicant relied upon the judgment rendered by Hon'ble the Apex Court in the case of **Gian Singh vs. State of Punjab (2012) 10 SCC 303** to submit that if the offence is non-compoundable and the parties have amicably settled their dispute, the entire criminal proceedings may be quashed on the basis of compromise entered into between the parties. The relevant paragraph of said is being quoted herein below:-

"54. Where High Court quashes a criminal proceeding having regard to the fact that dispute between the offender and the victim has been settled

although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor..."

4. Learned counsel appearing on behalf of opposite party no.2 also did not dispute the said fact that both the parties have already amicably settled their dispute and now opposite party no.2 does not want to prosecute the applicant.

5. The argument raised by learned counsel for applicant seems to be justified since in catena of the judgments, Hon'ble the Apex Court has observed that if the offence is non-compoundable which is having no serious impact on society then there would be no harm and error if the proceedings may be quashed in light of the compromise entered into between the parties. In the case of **H.N. Pandakumar Vs. State of Karnataka [2025 INSC 37]**, Hon'ble the Apex Court has also observed as under:-

"5. In light of the amicable settlement and the complainant's unequivocal consent, as evidenced by the Interlocutory Application, this Court finds it appropriate to allow the present M.A. While the offense under Section 326 IPC is non- compoundable under the provisions of the Criminal Procedure Code, 1973, the exceptional circumstances of this case, including the voluntary settlement between the parties, warrant the exercise of this Court's inherent powers to give effect to the compromise."

6. In view thereof, order dated dated 08.09.2025 passed by Additional Chief Judicial Magistrate/Additional Civil Judge (S.D.), Court No.5, Kanpur Nagar and entire proceedings of Case No.70691 of 2024 (State vs. Vikas Thakur and Others), arising out of Case Crime No.30 of 2022, under Sections 452, 323, 506, 427 and 336 of I.P.C., Police Station-Gujaini, District-Kanpur Nagar, is hereby set aside.

7. Learned counsel appearing on behalf of both the parties are requested to advise their clients to produce this order before learned court concerned within fifteen days from today and in case, the said order is produced

before learned court concerned within the stipulated time, learned court concerned shall verify the contents of the compromise within four weeks thereafter.

8. Registrar (Compliance) is hereby directed to ensure service of this order to the court concerned and after receiving the verification report, place the same on record.

9. List this matter in the week commencing 11.05.2026 along with verification report.

10. Till the next date of listing, no coercive action shall be initiated against applicant in the aforesaid case.

(Saurabh Srivastava,J.)

March 28, 2026

K.N.