



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 21498 of 2025

Sappo Alias Safiq And 21 Others

.....Applicant(s)

Versus

State Of U.P. And 9 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Himanshu Mishra
Counsel for Opposite Party(s) : G.A.

Court No. - 92

HON'BLE RAM MANOHAR NARAYAN MISHRA, J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.
2. This application under Section 528 BNSS has been filed by the applicants to quash entire proceeding of Criminal Case No.1175 of 2013 arising out of Case Crime No.87 of 2013, under Sections 147, 148, 149, 307, 452, 323, 324, 504 and 506 I.P.C., Police Station Kagaraul, District Agra as well as charge-sheet dated 12.09.2013 being C.S. No.69 of 2013.
3. Learned counsel for the applicants submits that in the present case, an FIR was lodged at the instance of the informant, Bantu @ Mohd. Safiq, vide Case Crime No. 87 of 2013, under Sections 147, 148, 149, 307, 452, 323, 324, 504 and 506 I.P.C., Police Station Kagaraul, District Agra, against eighteen named accused persons, alleging that they created an unlawful assembly and caused aggression inside the mosque by using *lathi*, *danda* and lethal weapons. It is also alleged that the miscreants also opened fire inside and outside the mosque, in which the informant and some unknown persons sustained injuries. He next submits that during the course of investigation, the names of some other accused persons surfaced, and charge sheet was submitted against twenty-nine accused persons. Out of them, six accused persons faced trial in Sessions Trial No. 17 of 2024 for the aforesaid charges, whereas the cases of the remaining twenty-three accused persons are still to be committed by the learned Magistrate. However, all six accused persons, who faced trial in the said

sessions trial, have been acquitted by the Trial Court vide judgment and order dated 23.09.2015, a copy of which has been filed as Annexure-7 to the affidavit accompanying the application. The Trial Court, in its judgment, observed that none of the eye-witnesses or injured witnesses supported the prosecution version and it could not be established that the accused persons were the authors of the injuries sustained by the injured.

4. Learned counsel for the applicants further submits that the applicants were not aware of the said trial and have now been proceeded against by the learned trial court in Criminal Case No. 1175 of 2013. Non-Bailable Warrants and coercive processes have been issued against the applicants by the learned Magistrate, as the case is still pending before the court of the Magistrate. He further submits that informant, injured, and applicants have entered into a compromise, and the original compromise deed has been filed before the court concerned. Therefore, it is prayed that necessary directions may kindly be issued to the trial court to verify the said compromise, and thereafter, the criminal case lodged against the applicants may also be quashed in light of the compromise.

5. Learned A.G.A. does not dispute the factual submissions made by the learned counsel for the applicants. He next submits that due to some inadvertence or other reason, applicant No.22, Shahid, who had already been acquitted by the trial court in S.T. No. 17 of 2014, has also been impleaded as an applicant in the present petition.

6. Learned counsel for the applicants submits that the signature and photograph of applicant No. 22 are stated to have been affixed on the said compromise, although he had already been acquitted by the trial court in respect of the said charges. Therefore, no question arises regarding the quashing of proceedings in respect of applicant No.22, even on the basis of the said compromise.

7. The parties are directed to appear before the trial Court and file a compromise verification application together with a copy of compromise for verification of the same within two weeks, and the trial Court may consider and examine the identity and signature of the parties, and if it is found genuine, the court may proceed for verifying the same.

8. In case, the same is verified by the trial Court, a copy of the order of the trial Court alongwith a copy of compromise duly verified by the trial Court, be filed before this Court within two weeks alongwith supplementary affidavit, so further action may be taken thereon.

9. Till the next date of listing, no coercive action shall be taken against the applicants in the aforesaid case.

10. List this case on 30.10.2025 as fresh.

(Ram Manohar Narayan Mishra,J.)

September 10, 2025

Amit