



2026:AHC:77884

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 22200 of 2025

Subhash Rajbhar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Ankit Kumar Singh
Counsel for Opposite Party(s) : Ashish Tyagi, G.A.

Court No. - 81

HON'BLE CHAWAN PRAKASH, J.

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

2. The present 528 BNSS application has been filed to set aside the impugned order dated 29.03.2025 passed by the court of learned Special Judge (POCSO Act), Court No. 25, Kanpur Nagar in Special Session Trial No. 34 of 2016 (State Vs. Subhash Rajbhar), arising out of Case Crime No. 03 of 2013, under Sections 363, 366, 376 I.P.C. and 3/4 POCSO Act, Police Station Govind Nagar, District Kanpur Nagar.

3. Learned counsel for the applicant submitted that applicant and opposite party no.2 have amicably settled their dispute out of the Court. Applicant approached this Hon'ble Court by filing this 528 BNSS application with prayer to quash the proceedings on terms of compromise entered between the parties, the Hon'ble Court vide order dated 25.09.2025 directed the parties to appear before the trial court for verification of the parties and compromise application. Trial court vide order dated 04.11.2025 verified the parties as well as compromise application. He further submitted that applicant and opposite party no.2 compromised the matter and opposite party No.2 does not want to proceed the matter against the applicant. He further submitted that applicant and opposite party no.2 have settled their dispute through compromise and, as such, opposite party no.2 does not wish to press the aforesaid case against the applicant. Opposite party no.2 is ready to withdraw the prosecution of the applicant and in view of the compromise, no fruitful purpose would be served if the prosecution is allowed to go on.

4. Learned counsel appearing for the opposite party no.2 does not dispute the

correctness of the submission made by learned counsel for the applicant or the correctness of the documents relied upon by him. He submits that opposite party no. 2 has no objection, if the proceedings in the aforesaid case are quashed.

5. Learned AGA submitted that both the parties have settled their dispute out of the court, hence, no reason to proceed further.

6. The Hon'ble Apex Court in the case of *Narindra Singh and others Vs. State of Punjab, (2014) 6 SCC 466, Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat (2017) 9 SCC, 641, Gian Singh Vs. State of Punjab (2012) 10 SCC 303 and State of M.P. Vs. Laxmi Narayanan (2019) 5 SCC 688*, wherein Hon'ble Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non-compoundable offences. Reference may also be made to the decision given by this Court in *Shaifullah and others Vs. State of U.P. and another [2013 (83) ACC 278]*, in which, law expounded by the Hon'ble Apex Court in the aforesaid cases has been explained in detail.

7. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by learned counsel for the parties, this Court is of the considered opinion that no useful purpose would be served by prolonging the proceedings of the above mentioned case.

8. Accordingly, impugned order dated 29.03.2025 passed by the court of learned Special Judge (POCSO Act), Court No. 25, Kanpur Nagar in Special Session Trial No. 34 of 2016 (State Vs. Subhash Rajbhar), arising out of Case Crime No. 03 of 2013, under Sections 363, 366, 376 I.P.C. and 3/4 POCSO Act, Police Station Govind Nagar, District Kanpur Nagar, are hereby quashed.

9. This application under Section 528 B.N.S.S. is accordingly **allowed**.

(Chawan Prakash,J.)

April 9, 2026
Rmk.