



2026:AHC:180845

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 27772 of 2025

Arshad And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Abdul Majid

Counsel for Opposite Party(s) : Deepankar Chaudhary, Sudhir Mehrotra,
G.A.

Court No. - 89

HON'BLE RAJ BEER SINGH, J.

Order on Criminal Misc. Recall Application No.02 of 2025:-

1. Heard Sri Abdul Majid, learned counsel for the applicants, Sri Sudhir Mehrotra, learned counsel appearing for High Court on behalf of Ms. Anupriya, the then A.C.J.M./ Additional Civil Judge, Bareilly and learned A.G.A. for the State.

2. This Misc. Recall Application has been preferred on behalf of applicants, namely, Arshad & Dularey for recall of order dated 08.08.2025, passed by this Court.

3. Perusal of record shows that applicants, namely, Arshad & Dularey have filed an application under Section 528 BNSS No.27772 of 2025 for quashing of proceedings on the ground of compromise between the parties. The said application under Section 528 BNSS was disposed of vide order dated 08.08.2025, which is reproduced as below:-

"1. Shri Deepankar Chaudhary, learned Advocate has filed Vakalatnama on behalf of opposite party no. 2 today in Court, which is taken on record.

2. Heard learned counsel for the applicants and learned A.G.A. for the State.

3. This application u/s 528 BNSS has been filed for quashing of the entire proceedings, including charge-sheet dated 16.07.2024 as well as cognizance/ summoning order dated 06.11.2024, of Case No. 2202 of 2025 (State v. Arshad and others) arising out of Case Crime No. 190 of 2024, under Sections 323, 506 of IPC, P.S.- Premnagar, District- Bareilly, pending in the court of Additional Civil Judge (Sr. Div.-7), District- Bareilly, on the basis of compromise arrived at between the parties.

4. It is submitted by learned counsel for the applicants as well as by learned counsel for the opposite party no. 2 that dispute relates to a minor incident and now both the parties have amicably settled the dispute and compromised the case. It was submitted that the impugned proceedings may be quashed on the basis of compromise between the parties.

5. Perusal of record shows that applicants have been summoned for offences under Sections 323, 506 of IPC and both these offences are compoundable and thus, the matter can be finally decided by the trial court itself.

6. Thus, it is directed that in case both the parties file an application for compromise before the trial court concerned within a period of two weeks, the same shall be considered and decided expeditiously in accordance with law. It is further directed that for a period of two weeks from today and in case application for compromise is filed within the aforesaid period, till disposal of the compromise application, no coercive action shall be taken against the applicants in the aforesaid case.

7. With the aforesaid observation, this application u/s 528 BNSS is disposed of."

4. It is clear that as the offences were compoundable and thus it was directed that in case both the parties file an application for compromise before the trial Court within a period of two weeks, the same shall be considered and decided expeditiously in accordance with law and it was further directed that for a period of two weeks from that date, in case application for compromise is filed within the aforesaid period, till disposal of the compromise application, no coercive action shall be taken against the applicants.

5. It was shown that Ms. Anupriya the then A.C.J.M./ Additional Civil Judge (S.D.), Court No.7, Bareilly did not follow and comply the aforesaid order of this Court. The perusal of order dated 14.08.2025 of trial Court shows that compromise was filed by both the parties and it was verified by the Court but despite that learned trial Court did not pass any order on compromise and matter was fixed for hearing. The order dated 28.08.2025 shows that applicants were granted bail and matter was fixed for 29.08.2025 for charge. On 29.08.2025 charges were framed. On next date i.e. 01.09.2025, statements of PWs-1 & 2 were recorded. On 08.09.2025 statements of accused under Section 313 were recorded and arguments were also heard. On 20.09.2025 judgment was passed and aforesaid applicants/ accused were acquitted. It is apparent that once the compromise was verified by the learned Presiding Officer Ms. Anupriya on 14.08.2025, the case must have been decided on the basis of compromise but despite that she forced the accused persons to obtain bail, framed charges and put them on trial. Thus, it is apparent that Ms. Anupriya the then A.C.J.M./ Additional Civil Judge

(S.D.), Court No.7, Bareilly has disregarded and violated order of this Court in a flagrant and blatant manner and in utter disregard to the provisions of law. The explanation of said Presiding Officer was called. It is clear that in her explanation dated 15.04.2026 the said Presiding Officer has made a false statement that the parties did not press the compromise, whereas the order-sheet dated 14.08.2025 clearly shows that compromise was filed and even it was verified by the Presiding Officer. Even otherwise when applicants were approached this Court for quashing of proceedings on the basis of compromise and they have filed compromise before the trial Court, it can not be accepted that they would not press the compromise and would choose to face the trial. In the said explanation Presiding Officer has also mentioned that the counsel for accused has stated that he will get his fees and the case be decided after recording hostile statements of the witnesses and upon that request the trial Court proceeded for trial. This statement of the Presiding Officer again shows that she has no regard to the order of this Court and in order to facilitate the fees of counsel for accused, she put the applicants/ accused on trial, without passing any order on the compromise, which was duly verified.

6. In view of aforesaid, it is apparent that the order dated 08.08.2025, passed by this Court, was disregarded and violated by Ms. Anupriya the then A.C.J.M./ Additional Civil Judge (S.D.), Court No.7, Bareilly in a blatant and flagrant manner and even after verification of the compromise, instead of passing an order on compromise, she proceeded to hold trial, framed charges against the accused persons and put them on trial in an illegal and arbitrary manner. The conduct of the said Presiding Officer is unbecoming of a judicial officer.

7. Sri Sudhir Mehrotra, learned counsel appearing for High Court on behalf of Ms. Anupriya, the then A.C.J.M./ Additional Civil Judge, Bareilly submits that the Presiding Officer tenders an apology and that she has a long career and her apology may be accepted.

8. In view of aforesaid, no further action is taken or recommended against Ms. Anupriya, the then A.C.J.M./ Additional Civil Judge (S.D.), Court No.7, Bareilly, but she is warned to be careful in future.

9. So far question of recall of order dated 08.08.2025 is concerned, as the case has already been decided by the trial Court, thus the prayer to recall the order dated 08.08.2025 is refused.

10. The Recall Application is **disposed of** in above terms.

August 31, 2026
'SP'/-

(Raj Beer Singh,J.)