

Sl. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			C482 No.643 of 2022 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Hari Mohan Bhatia, Advocate, for the applicant. Mr. Yogesh Chandra Tiwari, Standing Counsel, for the State of Uttarakhand. Mr. Kishore Rai, Advocate, for the respondent. In the instant C482 application, the challenge given is to the proceedings at Criminal Case No.663 of 2021 State vs. Danish Safi, being the proceedings, which has been drawn under Sections 323, 376 IPC, to be read with Section 5/6 of The Protection of Children from Sexual Offence Act, 2012. As a consequence of the registration, that the aforesaid proceedings by respondent no.2, the Court of Additional District and Session Judge/ Special Judge POCSO, Haridwar had taken cognizance of the same and had issued the summoning order dated 10.03.2022. Whereby, the present applicant has been called upon to face the proceedings of the Criminal Case No.663 of 2021. In the C482 application, it has been contended, that the dispute arose because of the fact that the applicant who is Muslim by caste

		has entered into an inter religion marriage with respondent no.2 and the marriage was said to have been solemnized on 13.12.2021. But, however, the FIR was registered by the complainant, being FIR No.663 dated 01.08.2021 for the offences under Sections 313, 323, and 376, wherein initially the complainant has submitted that they were in friendly relationship with one another and they have travelled together to different hotels, and have established physical relationships and due to which she conceived and twice she had aborted. It is also the admitted case that the applicant has solemnized the marriage in Mansa Devi Temple. At this stage, this Court may not be required to venture into all these aspects, particularly, when now it has come on record that the parties have entered into a compromise and ultimately, they had married on 13.12.2021 and consequent to which, they have got their marriage registered under Section 13 of Special Marriage Act and a certificate in that regard has already been issued in their favour. The counsel for the respondent, who appears, does not deny the aforesaid facts of marriage, but rather the counsel for the applicant, adds to the fact that out of the matrimony they are having a child now. And as such proceeding with the criminal case as registered by respondent no.2, would be
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			nothing but an act of futility, because owing to change circumstances, where they have married and are having a child, the complainant respondent no.2, may not be seriously interested to prosecute the present applicant who is now the husband of the complainant. Apart from it, the Government Advocate was granted time to file counter affidavit as back as on 25.05.2020, which has not yet been filed, owing to the reasons, which have been given above, the counter of the State may not be relevant at this stage owing to the change circumstances. Both the counsels jointly made a statement that if the proceedings are dropped they may not be having any grievances as such owing to the statement made by the counsel on behalf of the respective clients. The proceedings of Special Session Trial No.31 of 2022 State vs. Danish Safi pending consideration before the court of Court of Additional District and Session Judge/ Special Judge Pocso, Haridwar would hereby stand quashed. C482 application would stand disposed of accordingly, for the aforesaid reasons. (Sharad Kumar Sharma, J.) 04.09.2023 Reena
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