

**Court No. - 92**

**Case :-** APPLICATION U/S 482 No. - 8558 of 2020

**Applicant :-** Mehnaj Alias Love Preet Suman Another

**Opposite Party :-** State of U.P. and Another

**Counsel for Applicant :-** Varinder Singh

**Counsel for Opposite Party :-** G.A., Uday Singh Patel

**Hon'ble Anish Kumar Gupta, J.**

Heard Sri Varinder Singh, learned counsel for applicants and Sri Manoj Kumar Gupta, learned Advocate, holding brief of Sri Uday Singh Patel, learned counsel for Opposite Party No.2 and Sri Akhilesh Kumar Srivastava, learned AGA for State.

2. The instant application, under section 482 Cr.P.C., has been filed seeking quashing of proceedings of Criminal Case No. 5164 of 2018, under Sections 366 IPC, Police Station - Kaimari, District - Rampur, pending before Additional Chief Judicial Magistrate, 1st, Rampur, as well as charge-sheet dated 31.01.2008 and cognizance order dated 05.03.2008, arising out of Case Crime No. 641 of 2007.

3. Learned counsel for applicant submits that in the instant application, case was registered by the father of applicant No.1 against applicant No.2. Learned counsel for the applicants further submits that the applicant No.1 and applicant No.2 are adult persons and having married together out of their own free will without any force, fear and coercion on the part of applicant No.2. Since the applicant No.1 had left the house of Opposite Party No. 2, the instant F.I.R. was lodged in the year 2007 as Case Crime No. 641 of 2007, under Section 366 IPC against the applicant no. 2.

4. Learned counsel for the opposite party No. 2 submits that out of the said wedlock, there are two children and applicants are residing with his family and a compromise has been arrived at between the parties, which has been placed on record before the learned trial court on 24.01.2023. Vide order dated 23.08.2023, this Court directed the trial court to verify the compromise between the parties on appearance before the trial court and send a report to this effect to this Court in terms of the said order. A report dated 21.09.2023 has been received by this Court along with a copy of compromise and an order dated 21.09.2023 verifying the compromise between the parties and this fact has also been admitted by the learned counsel for the

opposite party No. 2.

5. Looking into the facts and circumstances of the case, learned A.G.A. for the State did not oppose the prayer of quashing the entire proceeding of the said case on the basis of compromise between the parties as the adult girl has married with applicant no. 2 out of her own choice.

6. Having heard the submissions of learned counsel for the parties, this Court carefully gone through the records of the case that an F.I.R. was registered against the applicant no. 1 for an offence punishable under Section 366 IPC. However, from the perusal of record it appears that as per F.I.R., the age of the applicant No. 2, at the time of incident, was 21 years and she has gone out of her own free will and had married with the applicant no. 2 without any force, fear and coercion on the part of applicant no. 2. The parties have also entered into compromise and after the marriage, two children are born out of said wedlock, the matter has already been compromised and verified by the trial court. Since the instant dispute was private in nature between the parties, which has been duly settled and no purpose would be served by keeping this criminal proceeding pending against them.

7. In view of the factum of marriage between the applicant Nos. 1 and 2 and the children born out of the said marriage, the instant application is **allowed** in terms of the judgment of Apex Court in the cases of **Gian Singh v. State of Punjab and another (2012) 10 SCC 303**, **Narinder Singh and others v. State of Punjab (2014) 6 SCC 466** and **Prababhai Aahir alias Prababhai Bhimsinghbhai Karmur and others v. State of Gujarat and another (2017) 9 SCC 641**, the entire proceedings of the aforesaid criminal case are hereby quashed.

**Order Date :- 1.12.2023**

Akram