

Court No. - 88

Case :- APPLICATION U/S 482 No. - 12015 of 2023

Applicant :- Rahul

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Sudhir Kant Dixit

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

Heard learned counsel for the applicant, learned A.G.A. for the State of U.P./ opposite party no.1 and perused the record.

The instant application dated 16.03.2023 under Section 482 Cr.P.C. has been preferred by the applicant with a prayer to quash the proceeding of P.S.T. No. 818 of 2015 (State vs. Rahul), arising out of Case Crime No. 574 of 2015, under Sections 376, 511 & 506 of I.P.C. and Sections 7/8 of POCSO Act, Police Station Tundla, District Firozabad pending in the Court of learned Special Judge (POCSO Act), Additional District & Sessions Judge, Firozabad.

The main substratum of argument of learned counsel for the applicant is that during the pendency of the trial of the applicant, the applicant and victim entered into compromise and, thereafter, an application dated 31.01.2023 was moved before the trial Court to drop the further proceeding of trial against the applicant on the basis of compromise but the said application has been illegally rejected by the trial Court vide order dated 31.01.2023.

On the other hand, learned A.G.A. vehemently opposed the submissions of learned counsel for the applicant by contending that the trial of the applicant is at the advance stage and in view of the judgment of the Apex Court in the case of **State of Madhya Pradesh Vs. Laxmi Narayan and others, AIR 2019 SC 1296**, the parties cannot be permitted to make compromise for the offence under Section 376

of I.P.C. and under Section 7/8 of POCSO Act.

Having heard the submissions of learned counsel for the parties, I find substance in the submission of learned A.G.A. that the compromise application filed in this case cannot be allowed, as the offence under Section 376 of I.P.C. and under Section 7/8 of POCSO Act, are serious in nature and the same are against the society at large.

In view of the above, I do not find any good ground to interfere in the order dated 31.01.2023.

The application lacks merit and is accordingly **dismissed**.

Copy of this order be communicated to the concerned trial Court within ten days for necessary information.

Order Date :- 7.12.2023

Anurag/-