

Court No. - 89

Case :- APPLICATION U/S 482 No. - 26183 of 2023

Applicant :- Rajpal And Another

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

Counsel for Applicant :- Mohd. Irfan,Gaurav Singh,Ram Babu Singh

Counsel for Opposite Party :- G.A.,Bharat Singh,Krishna Kant Yadav

Hon'ble Deepak Verma,J.

1. Short counter affidavit filed on behalf of opposite party no.2, is taken on record.
2. Heard learned counsel for the applicants, Sri Bharat Singh, learned counsel for the opposite party no.2, learned A.G.A. for the State and perused the record.
3. The present 482 Cr.P.C. application has been filed to quash the impugned charge-sheet dated 15.10.2020, cognizance order dated 23.10.2020 as well as entire proceeding of Session Trial No.1215 of 2020 arising out of Case Crime No.862 of 2020 (State Vs.Rajpal and others), under Sections 363, 366, 368, 376, 120B I.P.C. & 5/6, 16/17 POCSO Act, Police Station- Katghar, District-Moradabad, pending in the court of Special Judge (POCSO Act), Court no.3, Moradabad.
4. Learned counsel for the applicants submits that parties have amicably settled their dispute out of the Court. He next submitted that FIR has been lodged by father of the victim and victim has solemnized marriage with the applicant no.1 and she is living with the applicant no.1 and as per as medical report, victim is said to be 18 years old.
5. Learned counsel appearing for the opposite party no. 2 does not dispute the correctness of the fact and submitted by way of short counter affidavit in para-3 that victim has solemnized marriage with the applicant no.1 and both are living as husband and wife and after marriage victim has blessed with two children.
6. Accordingly, it is provided that the parties shall appear before the court below along with a certified copy of this order and compromise deed on the next date fixed. It is, therefore, expected that the trial court may fix a date for the verification of the compromise entered into between the parties and pass an appropriate order to that effect within next four weeks. It shall be

open to the applicant to file a fresh application U/S 482 at that stage for the relief sought herein.

7. In view of the above, the present application is disposed of.

8. For a period of five weeks, no coercive measure shall be taken against the applicants.

Order Date :- 31.10.2023
SKD