

Court No. - 92

Case :- APPLICATION U/S 482 No. - 26214 of 2022

Applicant :- Jeeshan

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

Counsel for Applicant :- Sandeep Maniji Bakhshi

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Sandeep Maniji Bakhshi, learned counsel for the applicant and Sri Kamlesh Kumar Tripathi, learned A.G.A. for the State.

2. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of the entire proceedings of Special Session Trial No. 326 of 2016 (State vs. Jeeshan), arising out of Case Crime No. 832 of 2016 u/S 363, 366 I.P.C., and Section 7/8 POCSO Act, P.S.- Ghanghata, District- Sant Kabir Nagar, pending before the Special Judge/POCSO Act, Sant Kabir Nagar.

3. Learned counsel for the applicant submits that the instant case was lodged by the opposite party no.2 under some misconception and the applicant and the opposite party no.2 have entered into a compromise and in terms of the order dated 02.09.2022, passed by this Court, they have filed an application before the Trial Court, wherein the opposite party no.2 has categorically stated that the instant case was lodged due some misconception and her daughter has gone to Mumbai, on her own and since there was no place to stay, the applicant herein had given a place to stay with him. Therefore, after coming to know about the aforesaid fact which is further evident from the Statement u/S 164 Cr.P.C., of the victim wherein she has stated that she was previously known to the applicant herein and she has gone voluntarily on her own with the applicant and the applicant has not committed any offence against the victim and now the parties have settled their dispute amicably. The statement has already been verified by the concerned Trial Court in terms of the order dated 02.09.2022, passed by this Court and verification report dated 15.02.2023, is available on record, verifying the compromise between the parties.

4. In view thereof and looking at the nature of allegations, which were of private nature and primarily the instant complaint was filed under some misconception, as has been

stated by the complainant, the opposite party no.2 herself.

5. Therefore, in the light of the judgments of Apex Court in ***Gian Singh vs. State of Punjab and Another : (2012) 10 SCC 303, Prabatbhai Aahir Alias Prabatbhai Bhimsinghbhai Karmur and others vs. State of Gujarat and Another : (2017) 9 SCC 641*** and ***Narinder Singh & Ors. vs. State of Punjab : (2014) 6 SCC 466***, the instant application is ***allowed*** in terms of the compromise between the parties and the entire proceedings of Special Session Trial No. 326 of 2016 (State vs. Jeeshan), arising out of Case Crime No. 832 of 2016 u/S 363, 366 I.P.C., and Section 7/8 POCSO Act, P.S.- Ghanghata, District- Sant Kabir Nagar, pending before the Special Judge/POCSO Act, Sant Kabir Nagar, are hereby ***quashed***.

Order Date :- 18.10.2023

Shubham Arya