

Court No. - 87

Case :- APPLICATION U/S 482 No. - 32578 of 2023

Applicant :- Anand

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

Counsel for Applicant :- Sanjay Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. As per office report dated 17.11.2023, notice has been served upon the opposite party no.2, but no one has put in appearance on his behalf.

3. The present 482 Cr.P.C. application has been filed to quash the charge sheet dated 3.7.2022 alongwith cognizance/summoning order dated 15.7.2022 as well as entire proceeding of S.T. No. 563 of 2022 , (State Vs. Anand), arising out of case crime No. 296 of 2022, under Section 363 IPC & 7/8 of POCSO Act, Police Station- Chandpur, District- Bijnor.

4. Learned counsel for the applicants submitted that in the present application, affidavit has been filed by the victim, namely, Surbi @ Surbhi herself on behalf of applicant i.e. daughter of opposite party no.2. He next submitted that presently victim is living with the applicant after solemnized marriage in the temple. As per AADHAR card, age of victim is 21 years. He further submitted that father of victim is annoyed with the applicant, therefore, he has lodged frivolous FIR by filing application under Section 156(3) Cr.P.C. against the applicant. Statement of victim was also recorded before the police in which she has not supported the prosecution version and stated that her father has lodged frivolous FIR against the applicant. She further stated that by her own will, she has solemnized marriage with the applicant and presently living with him. He lastly submitted that in light of aforesaid facts and circumstances, present proceedings may be quashed.

5. Learned AGA for the State could not dispute the aforesaid facts.

6. I have considered the rival submissions advanced by the learned

counsel for the parties. Notice has been served upon the opposite party no.2, but no one has put in appearance on his behalf to contest the case. From perusal of the affidavit filed by the victim, it is apparently clear that victim has solemnized marriage with applicant and presently living with him and further, no dispute is pending as on date.

7. In light of aforesaid facts and circumstances as well as settled principle of law as laid down by the Hon'ble Apex Court in the matters of **Krishnappa & Ors. vs. State of Karnataka; 2021 0 Supreme(SC) 529, Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors. vs. State of Gujarat and another; 2017 9 SCC 641, B.S. Joshi Vs. State of Haryana; 2003(4) SCC 675, Nikhil Merchant Vs. Central Burea of Investigation and another; (2008) 9 Supreme Court Cases 677, Gian Singh Vs. Stated of Punjab; (2012) 10 SCC 303 and Narinder Singh & others Vs. State of Punjab and another; (2014) Supreme Today 642**, the proceedings of the aforesaid case is hereby quashed.

8. Accordingly, the application is **allowed**. No order as to costs.

8. In case any facts are concealed by applicant, victim and opposite party no.2 are at liberty to move recall application.

Order Date :- 12.12.2023

Junaid