

Court No. - 93

Case :- APPLICATION U/S 482 No. - 33383 of 2023

Applicant :- Salman And Another

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

Counsel for Applicant :- Mashaluddin Shah

Counsel for Opposite Party :- G.A.,Abhilasha Singh

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Mashaluddin Shah, learned counsel for the applicants, Ms. Abhilasha Singh, learned counsel for the opposite party no.4 and learned A.G.A for the State.

2. The instant application under Section 482 Cr.P.C. has been filed for quashing the impugned charge sheet dated 26.11.2019 as well as the entire proceeding of S.S.T. No.45 of 2022 arising out of Case Crime No.94 of 2019, under Sections 363, 366, 506 IPC and 7/8 POCSO Act, Police Station - Khetasari, District Jaunpur pending in the court of ASJ/ POCSO 1st Jaunpur.

3. Contention of learned counsel for the applicant is that the applicant no.1 and victim girl got married and living together as husband and wife. It is further submitted that in the statement recorded under Section 164 Cr.P.C., the victim Smt. Saniya did not make any allegation against the applicant and also mentioned the fact that she was willing to get marry with applicant no.1.

4. After hearing the learned counsel for the parties and perusal of record, it appears that undisputedly, at the time of incident, the age of victim was 14 years, therefore, offence under Section POCSO Act is made out and the statement of minor girl cannot absolve the applicants from this offence.

5. However, considering the fact that applicant no.1 and victim girl got married and both are living together as husband and wife, it would be appropriate that the applicants may move a discharge application before the court below. In case, such an application for discharge is moved by the applicants, the same shall be decided in accordance with law.

6. With the aforesaid direction, the application is **disposed of**.

Order Date :- 18.10.2023

A.Kr.