

**Court No. - 89**

**Case :-** APPLICATION U/S 482 No. - 36824 of 2023

**Applicant :-** Moti Lal

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

**Counsel for Applicant :-** Anjum Haq, Sunil Prakash Anand

**Counsel for Opposite Party :-** G.A., Chandra Prakash Srivastava

**Hon'ble Deepak Verma, J.**

1. Heard learned counsel for the applicant, Sri Chandra Prakash Srivastava, learned counsel for the opposite party no.2, learned A.G.A for the State and perused the record.

2. This application under Section 482 Cr.P.C. has been filed to quash the entire proceedings of Case No.43 of 2023 arising out of Case Crime No.576 of 2020 (State vs. Moti Lal), under sections 363, 366, 376(3), 506 I.P.C. & 5(M)6 POCSO Act, Police Station Puramufti, District Kaushambi, pending in the court of Special Judge POCSO Act, Kaushambi.

3. Learned counsel for the applicant filed supplementary affidavit annexing therein compromise application made between the parties stating that the victim and informant does not want to prosecute the applicant. He next submitted that victim is major as per as medical examination report and she has solemnized marriage with the applicant and living with her. He next submitted that at the time of marriage, victim was major and after marriage she gave birth a female child. Applicant and victim are living together as husband and wife in Bombay and victim on her own sweet will compromise the matter with the applicant. Moreover, informant-father of the victim in his deposition before the trial court has not supported the prosecution case and applicant's counsel has prayed to quash the proceeding against the applicant in terms of compromise between the parties.

4. Sri Chandra Prakash Srivastava, learned counsel appearing for the opposite party no.2 has filed reply of supplementary affidavit and in Para-6, 7 & 8 has stated that both the parties have entered into compromise and both are major and living together without any undue influence and pressure and victim and informant does not want to proceeding against the applicant and submitted that the victim has not made any allegation against the applicant in his statement recorded under sections 161 & 164 Cr.P.C. No fruitful

purpose would be served keeping the proceeding pending against the applicant.

5. Learned counsel for the applicants has placed reliance upon various judgements passed by the Apex Court in the cases of **(1) B.S. Joshi and others Vs. State of Haryana and another: (2003)4 SCC 675; (2) Nikhil Merchant Vs. Central Bureau of Investigation : (2008) 9 SCC 677; (3) Manoj Sharma Vs. State and others: ( 2008) 16 SCC 1; (4) Gian Singh Vs. State of Punjab: (2012) 10 SCC 303; (5) Shaifullah and others Vs. State of U.P. And another: 2013 (83) ACC 278 and (6) Parbatbhai Ahir@Parbatbhai @ Bhimsinbhai Karmur and others Vs. State of Gujarat and another: (2017) 9 SCC 641** has held that on the basis of settlement arrived between the parties, proceeding can be quashed.

6. Considering the argument raised by learned counsel for the applicants and after perusal of record, it is a fit case to be interfered, hence, entire proceeding in Case No.43 of 2023 arising out of Case Crime No.576 of 2020 (State vs. Moti Lal), under sections 363, 366, 376(3), 506 I.P.C. & 5(M)6 POCSO Act, Police Station Puramufti, District Kaushambi, pending in the court of Special Judge POCSO Act, Kaushambi. are hereby set aside and quashed. The application u/s482 Cr.P.C. is **allowed**.

**Order Date :- 13.12.2023**

SKD