

Court No. - 87

Case :- APPLICATION U/S 482 No. - 39648 of 2023

Applicant :- Sarjun

Opposite Party :- State Of U.P.And 2 Others

Counsel for Applicant :- Rakesh Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. Present 482 Cr.P.C. application has been filed seeking quashing of charge sheet dated 02.07.2022(No. 198/2022), cognizance-summoning order dated 15.07.2022 as well as entire proceeding of Special Case No. 56 of 2022(State Vs. Sarjun), arising out of case crime No. 180 of 2022, under Sections-363, 366, 323, 376 PC and Section 3/4 of POCSO Act, Police Station-Bilaspur, District-Rampur, pending in the Court of Additional Sessions Judge, Court No. 8, Rampur.
3. In compliance of order of this Court dated 16.11.2023, applicant, namely, Sarjun and opposite party No. 3(victim), namely, Sunita, duly identified by Sri Rakesh Kumar Mishra, learned counsel for the applicant, are present before the Court. Their attendance has also been recorded on the order sheet.
4. Learned counsel for the applicant submitted that after entering into compromise, applicant and opposite party No. 3 (victim) have solemnized marriage and are living together happily. He next submitted that present application has been filed with the joint swearing of applicant and opposite party No. 3. Therefore, in light of compromise between the parties, present criminal proceeding against the applicant may be quashed.
5. Being confronted by the Court, opposite party No. 3-Sunita submitted that she has solemnized marriage with applicant and they both are living as husband and wife peacefully. She also submitted that she does not want to contest the present proceeding against the applicant.
6. Learned A.G.A. has also not disputed the aforesaid facts.

7. In view of the facts and circumstances of the case, the applicant and opposite party no. 3 do not want to pursue the case any further as stated by them. The matter has been mutually settled between the parties, therefore, no useful purpose would be served in proceeding with the matter further.

8. Thus in view of the well 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.

9. The present application is, accordingly **allowed**.

Order Date :- 22.11.2023

ADY