

Court No. - 87

Case :- APPLICATION U/S 482 No. - 41007 of 2023

Applicant :- Sarfaran @ Sarfan @ Saif Ali

Opposite Party :- State Of U.P.And Another

Counsel for Applicant :- Mohammad Saif,Shahabuddin

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. The present 482 Cr.P.C. application has been filed to quash the entire proceeding of Session Case No.886 of 2023 (U.P. State vs. Sarfaran @ Sarfan @ Sair Ali) and summoning order dated 05.07.2023 as well as charge-sheet-dated 05.06.2023 filed in Case Crime No.589 of 2022, under Sections 363, 366 and 376 I.P.C. and Section 5/6 POCSO Act, Police Station Surajpur, District Central Commissionrate Gautam Budh Nagar.
3. Learned counsel for the applicant submits that applicant and victim are present before this Court and they have duly identified by their Counsel. He further submits that present application is filed along with supplementary affidavit, which is sworn by the victim, namely, Mantasa. He further submits that applicant has been falsely implicated in the present case by the opposite party No.2. He further submits that applicant and victim are legally wedded husband and wife as they solemnized marriage (nikah) on 17.09.2022. This fact is verified in Nikahnama, which is annexed as Annexure No.1. He next submits that victim is uneducated and as per the ossification test, her age is 18 years. He lastly submits that in the light of the facts of compromise, the criminal proceeding against the applicant may be quashed.
4. Being confronted by the Court, victim-Mantasa has fairly submitted that she has solemnized marriage with the applicant and living with him as his wife.
5. Learned A.G.A. could not dispute the aforesaid facts.
6. In view of the facts and circumstances of the case, the applicant and opposite party no. 2 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.

7. 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 against the applicant only.

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

Order Date :- 23.11.2023

Amit/-