

Court No. - 12

Case :- APPLICATION U/S 482 No. - 7756 of 2023

Applicant :- Satyendra Kumar @ Munim

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko. And Another

Counsel for Applicant :- Arjun Kumar Kaushal, Durgesh Kumar Tiwari

Counsel for Opposite Party :- G.A., Vivek Abhir

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicant as well as learned A.G.A. for the State and perused the record.

2. The present application has been filed for quashing the entire proceedings of S.T. No. 717 of 2021 arising out of Case Crime No. 283 of 2021 U/s 376, 506 I.P.C., Section 3/4 of P.O.C.S.O. Act, Police Station- Baghauli, District- Hardoi pending before learned Special Judge, P.O.C.S.O. Act, Hardoi.

3. Learned counsel for the applicant submits that applicant and victim were in relation and she was willing to enter into marriage with applicant but her family members were against her wishes, as a result, on the basis of incorrect facts, F.I.R. of the case in question was lodged. He further submits that in the meantime, marriage of applicant was solemnized with victim, thereafter, she conceived but her foetus was aborted. During the course of trial, statement of victim was recorded, in which, she categorically denied the prosecution story. It is further submitted that victim is enjoying her matrimonial life with applicant, hence, the impugned proceeding may be quashed.

4. Victim is present today before this Court along with Aadhar Card No. 638435810603. She is duly identified by her counsel. She states that as applicant and her family members denied to solemnize her marriage with applicant, she lodged the F.I.R. in question. She further states that now, she does not want to prosecute applicant as that she is enjoying her matrimonial life with him and presently, she is residing with him.

5. Learned A.G.A. opposes the prayer of applicant and submits that charge-sheet has already been submitted by Investigating Officer after detail investigation. He does not dispute this fact that victim has not supported the persecution version in her deposition recorded before learned trial court.

6. Considering the submissions of learned counsel for the applicant, learned A.G.A. and going through the contents of application as well as other relevant documents; it is evident that as the marriage was not being solemnised by applicant with victim, hence, the F.I.R. of the case in question was lodged. It is undisputed fact that applicant and victim has already entered into marriage and now, they are enjoying their matrimonial life. It is also evident that victim has not supported the prosecution version.

7. In view of above, this Court is of the view that the present application U/s 482 Cr.P.C. is **allowed** and the entire proceedings of S.T. No. 717 of 2021 arising out of Case Crime No. 283 of 2021 U/s 376, 506 I.P.C., Section 3/4 of P.O.C.S.O. Act, Police Station- Baghauli, District- Hardoi pending before learned Special Judge, P.O.C.S.O. Act, Hardoi are hereby **quashed**.

8. Office is directed to communicate this order to trial court, forthwith.

Order Date :- 11.12.2023

Arpan