

Court No. - 12

Case :- APPLICATION U/S 482 No. - 8687 of 2023

Applicant :- Satyendra @ Satyendra Umrao And Another
Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt.
Lko. And Another
Counsel for Applicant :- Gaurav Shukla
Counsel for Opposite Party :- G.A.,Awanish Kumar Rai

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicants, learned counsel for the private respondent, learned A.G.A. for the State and perused the record.

2. The present application has been filed for quashing the impugned proceedings of Crime No. 377 of 2009 U/s 376, 328, 312, 341, 506, 507, 120-B, I.P.C., Police Station- Ashiyana, Lucknow as well as charge-sheet dated 05.01.2010 and summoning order dated 22.03.2010 pending before learned Additional District & Sessions Judge/F.T.C.-1, Lucknow as S.T. No. 736 of 2017.

3. On 18.11.2023 following order was passed:-

"1. Vakalatnama filed by Shri Awanish Kumar Rai, Advocate on behalf of opposite party no.2 is taken on record.

2. List this case on 29.11.2023.

3. On the next date, applicant no.1 as well as opposite party no.2 shall appear in person before this Court."

4. In pursuance of aforesaid order, applicants and private respondent along with her Aadhar Card No. 893307163414 are present today before this Court. They have been duly identified by their respective counsels.

5. Learned counsel for the applicants submits that applicant no. 1 and private respondent were in relation but it was not accepted to her family members, as a result, she started insisting for marriage. He further submits that on the basis of incorrect facts, F.I.R. of the case in question was lodged. He further submits that as applicant nos. 2 is friend of applicant no. 1, hence, he was also dragged in the criminal prosecution and charge-sheet was submitted by Investigating Officer in the most mechanical manner. It is further submitted that both applicant

no. 1 and private respondent entered into marriage, now, they are enjoying their matrimonial life and also have one kid who is aged about 06 years. It is further submitted that in the above regard, the criminal prosecution of trial of the case in question would be futile one. It is further submitted that by way of resolving the dispute, written compromise is also filed before this Court and private respondent also categorically stated that she does not want to pursue the case and requests for quashing of the trial of the case in question. It is, thus, submitted that indulgence of this Court is required.

6. Learned counsel for the private respondent also supported the submissions of learned counsel for the applicants and requests that the entire proceeding may be quashed as victim is enjoying her matrimonial life with applicant no. 1 and they also have one kid.

7. Learned A.G.A. opposes the prayer of applicants and submits that charge-sheet has already been submitted by the Investigating Officer but he does not dispute this fact that as per the statement of private respondent, applicant no. 1 and private respondent are enjoying their matrimonial life and they also have one kid.

8. Considering the submissions of learned counsel for the applicants, learned counsel for the private respondent, learned A.G.A. for the State and going through the contents of application, other relevant documents, the agreement dated 21.06.2023; it is evident that applicant no. 1 and private respondent are enjoying their matrimonial life since 2010 and they also have one kid. In such circumstances, the trial of the case in question would be futile one.

9. In view of above, the present application U/s 482 Cr.P.C. is **allowed** and the impugned proceedings of Crime No. 377 of 2009 U/s 376, 328, 312, 341, 506, 507, 120-B, I.P.C., Police Station- Ashiyana, Lucknow as well as charge-sheet dated 05.01.2010 and summoning order dated 22.03.2010 pending before learned Additional District & Sessions Judge/F.T.C.-1, Lucknow as S.T. No. 736 of 2017 are hereby **quashed**.

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

Order Date :- 29.11.2023

Arpan