

Court No. - 12

Case :- APPLICATION U/S 482 No. - 9213 of 2022

Applicant :- Sunny And Another

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

Counsel for Applicant :- Ajit Verma, Ranvijai Chaudhari

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.

2. The present application is filed with the prayer to quash the entire proceedings of Case Crime No.272 of 2013, S.T. No.1022 of 2014 under Sections 363, 366A of Indian Penal Code, pending in the Court of Additional District Judge/F.T.C., Lucknow.

3. In pursuance of order dated 15.9.2023, Mohd. Safi, S/o Late Peera, R/o Mohammadganj Baawali, Police Station Saadatganj, District Lucknow (Adhaar No.423901385134) is present alongwith Mr. Dinesh Chandra, Sub Inspector, Police Station Saadatganj, Lucknow.

4. Informant, Mohd. Safi informed that against his wishes his daughter went with the applicant no.1 and thereafter, F.I.R. of case in question was lodged but she entered into marriage with the applicant no.1 and enjoying her matrimonial life and now she is having one kid aged about two years. He also requested that proceedings of the case in question may be quashed.

5. Learned counsel for the applicants has submitted that statement of victim was recorded under Section 161 Cr.P.C. but after going through the contents no offence is made out and as per the radiological examination, age of the victim was found 18 years but without considering this fact, charge sheet was filed by the Investigating Officer

and now victim is enjoying her matrimonial life, therefore, proceedings may be quashed.

6. Learned A.G.A. oppose the prayer of the applicant and submitted that charge sheet has already been filed but he does not dispute this fact that now victim is enjoying her matrimonial life and having one kid.

7. Considering the submissions of learned counsel for the parties, going through the record, as the statement of the victim was not recorded under Section 161 Cr.P.C. and as per the radiological report, her age was found about 18 years at the time of incident, as the applicant no.1 and victim entered into marriage and now they are having one kid, namely, Hamza, in such circumstances, trial will be a futile exercise, therefore, proceedings are liable to be set aside.

8. In view of the above, the present application under Section 482 Cr.P.C. is **allowed** and the proceedings of the Case Crime No.272 of 2013, S.T. No.1022 of 2014 under Sections 363, 366A of Indian Penal Code, pending in the Court of Additional District Judge/F.T.C., Lucknow is set aside.

Order Date :- 16.10.2023

Gaurav/-