

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11394 of 2023

Applicant :- Mohd. Danish And 3 Others

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko. And 4 Others

Counsel for Applicant :- Shiv Kumar Yadav, Mata Prasad Chaturvedi

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

1. Short counter affidavit sworn by victim/opposite party no.3, wherein victim herself has stated that she is legally wedded wife of applicant no. 1 along with Vakalatnama filed by Shri Rajesh Yadav, Advocate filed in the Court today is taken on record.

2. The applicant no. 1 i.e. Mohd. Danish and the opposite party no. 3 are present in Court today who have been identified by their respective counsels i.e. Shri Shiv Kumar Yadav, Advocate and Shri Rajesh Yadav, Advocate, respectively.

3. The parties present before the Court, indicated above, as also the counsels for the parties stated that the applicant no. 1 and the opposite party no. 3 are legally wedded and on account of some dispute the FIR in issue was lodged based upon which the Investigation Officer submitted the charge-sheet and the trial Court has also taken the cognizance, however, the dispute between the parties have now been settled and to this effect, the compromise was entered into on 10.10.2023 and the same is on record as Annexure No. 9 to the application and as such taking note of the facts of this case, the indulgence of this Court is required else peaceful life of the applicant and the victim as also other family members would be spoiled.

4. For the purpose of interference of this Court in the pending proceedings based upon the settlement/compromise, learned counsels for the parties have placed reliance on the judgments of the Apex Court in the case of **Romgopal and others Vs. State of Madhya Pradesh, 2022 (1) SCJ 536, Gian Singh Vs. State of Punjab [2012 10 SCC 303], Mohd. Ibrahim Vs. State of U.P., 2022 SCC Online ALL 106, Gold Quest International Ltd. Vs. State of Tamilnadu, 2014 (15) SCC 235, B.S. Joshi Vs. State of Haryana, 2003 (4) SCC 675, Jitendra Raghuvanshi Vs. Babita Raghuvanshi, 2013(4) SCC 58, Madhavarao Jiwajirao Scindia Vs. Sambhajirao Chandrojirao Angre, 1988 1 SCC 692, Nikhil Merchant Vs. C.B.I. and another, 2008(9) SCC 677, Manoj Sharma Vs. State and others, 2008(16) SCC 1, State of M.P. Vs. Laxmi Narayan and others, 2019(5) SCC 688, Narindra Singh and others Vs. State of Punjab and another, (2014) 6 SCC 466, Manoj Kumar and others Vs. State of U.P and others (2008) 8 SCC 781, Union Carbide Corporation and others Vs. Union of India and others (1991) 4 SCC 584, Manohar Lal**

Sharma Vs. Principal Secretary and others (2014) 2 SCC 532 and Supreme Court Bar Association Vs. Union of India (1998) 4 SCC 409.

5. Learned Additional Government Advocate could not dispute the fact that the compromise has been entered into between the parties and now the opposite parties do not want to proceed further in the matter which includes the entire proceedings of the Session Trial No.636 of 2023 (State vs. Mohd. Danish and others) Police Station - Dargah Sharif, District - Bahraich, pending in the Court of District and Session Judge / Special Judge POCSO Act, District Bahraich as well as impugned chargesheet no.99/2023 dated 07.04.2023, under section 376, 371 IPC and 3/4 POCSO Act arising out of case crime no.43 / 2023 under section 376, 371, 323, 504 IPC and 3/4 POCSO Act Police Station - Dargah Sharif, District Bahraich as well as supplementary Chargesheet No.2A99/2023 dated 01.05.2023, under section 323, 504 and 3/4 POCSO Act arising out of case crime no.43 / 2023 under section 376, 371, 323, 504 IPC and 3/4 POCSO Act Police Station Dargah Sharif, District Bahraich and cognizance order dated 31.05.2023.

6. Considering the submissions of the parties present in Court as also of learned counsels for the parties particularly related to marital life, which could be affected on account of pendency of proceedings before the trial Court, as also the averments made in the short counter affidavit and also taking note of the observations made by Hon'ble Apex Court in the judgments referred above, this Court is of the view that no purpose would be served in keeping the proceedings pending before the trial court and hence, the impugned entire proceedings of the Session Trial No.636 of 2023 (State vs. Mohd. Danish and others) Police Station- Dargah Sharif, District- Bahraich, pending in the Court of District and Session Judge / Special Judge POCSO Act, District Bahraich including the impugned charge-sheet no.99/2023 dated 07.04.2023, under section 376, 371 IPC and 3/4 POCSO Act arising out of case crime no.43 / 2023 under section 376, 371, 323, 504 IPC and 3/4 POCSO Act Police Station - Dargah Sharif, District Bahraich as also supplementary Charge-sheet No.2A99/2023 dated 01.05.2023, under section 323, 504 and 3/4 POCSO Act arising out of case crime no.43 / 2023 under section 376, 371, 323, 504 IPC and 3/4 POCSO Act Police Station Dargah Sharif, District Bahraich and cognizance order dated 31.05.2023 are hereby quashed.

7. Accordingly, the present application U/S 482 Cr.P.C. is **allowed**.

8. Office/Registry is directed to send the copy of this order to concerned court forthwith.

Order Date :- 7.12.2023/Mohit Singh