

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11418 of 2023

Applicant :- Mayank Dwivedi

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

Counsel for Applicant :- Arunendra Mohan Shukla

Counsel for Opposite Party :- G.A.,Subodh Kumar Verma

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material brought on record.

2. On 07.12.2023, following order was passed.

"1. Heard learned counsel for the applicant, learned counsel for respondent no. 2 and learned A.G.A. for the State.

2. The present application has been filed for quashing the order dated 22.01.2020 as well as charge-sheet dated 06.08.2019 and proceedings of Case No.155 of 2020 arising out of Case Crime No.186 of 2019 U/s 354,507, 506 I.P.C., Section 7/8 of P.O.C.S.O. Act, Police Station- Jagatpur, Raebareli.

3. On 22.11.2023 following order was passed:-

"1. Vakalatnama filed by Mr. Subodh Kumar Verma, Advocate on behalf of opposite party no.2 is taken on record. Office is directed to show his name as the counsel for opposite party no.2 in the next cause list.

2. Heard learned counsel for the applicant, learned counsel for the opposite party no.2 and learned A.G.A. for the State.

3. The present application has been filed for quashing the order dated 22.01.2020 as well as charge-sheet dated 06.08.2019 and proceedings of Case No.155 of 2020 arising out of Case Crime No.186 of 2019 U/s 354,507, 506 I.P.C., Section 7/8 of P.O.C.S.O. Act, Police Station- Jagatpur, Raebareli.

4. List this case on 07.12.2023.

5. On the next date, applicant, respondent no.2 and father of respondent no.2, namely, Sunil Dutt shall appear in person before this Court."

4. In pursuance of aforesaid order, applicant, respondent no. 2 along with Aadhar Card No. 447714601442 and her father, namely, Suneel Datt along with Aadhar Card No. 286808896080 are present today before this Court. They have been duly identified by their respective counsels.

5. Victim of the present case states that she was willing to solemnise marriage with applicant but family members of applicant were not agreed. As a result, F.I.R. of the case in question was lodged. Thereafter, marriage of victim was solemnised with applicant on 29.11.2020. Now, they are

enjoying their matrimonial life and she does not want to pursue the case in question. She requests that the proceeding of the case in question may be quashed.

6. List this case on 21.12.2023.

7. In the meantime, learned counsel for respondent no. 2 may file affidavit.

8. On the next date, applicant and respondent no. 2 shall appear in person before this Court.

9. Till the next date of listing, the impugned proceedings shall remain stayed."

3. In pursuance of the aforesaid order, applicant as well as respondent no. 2 are present before this Court and are duly identified by their counsel.

Counter affidavit filed by respondent no. 2 is taken on record.

4. It is averred in the counter affidavit that the victim/respondent no. 2 was in love with the applicant and wanted to solemnize marriage with him, to which, he denied. Thereafter, due to mis-understanding, the F.I.R. was lodged.

5. It is informed that now the marriage has been solemnized on 29.11.2020. Respondent no. 2, who is present before this Court, states that she does not want to prosecute the applicant prays that the proceedings may be quashed.

6. Learned counsel for the applicant submits that the alleged incident is of the year 2019. It is further submitted that now the marriage of applicant and respondent no. 2 has been solemnized and both of them are enjoying their matrimonial life. Lastly, relying on the decision of this Court in the case of **Pramod Vs. State of U.P. & Ors.** (Application u/s 482 No. 1342 of 2023), learned counsel for the applicant submits that the proceedings of trial would be futile one. It is, thus, submitted that the impugned proceedings may be quashed.

7. Learned A.G.A. opposes the prayer of the applicant and submits that at the time of incident, the victim was minor. However, he does not dispute the fact that the alleged

incident is of the year 2019 and the ossification test was not conducted. He also does not dispute that the applicant and respondent no. 2/victim solemnized marriage on 29.11.2020 and they are enjoying their matrimonial life.

8. Considering the arguments advanced by the learned counsel for the applicant, learned A.G.A., learned counsel appearing for respondent no. 2 and going through the contents of the application, counter affidavit as well as other relevant documents, it is evident that the applicant and respondent no. 2/victim solemnized marriage on 29.11.2020 and they are enjoying their matrimonial life.

9. In view of above facts and discussions, order dated 22.01.2020 as well as charge-sheet dated 06.08.2019 and proceedings of Case No.155 of 2020 arising out of Case Crime No.186 of 2019 U/s 354,507, 506 I.P.C., Section 7/8 of P.O.C.S.O. Act, Police Station- Jagatpur, Raebareli are hereby set aside.

10. The application stands allowed.

11. Office is directed to communicate this order to the court below, forthwith.

Order Date :- 21.12.2023

VKS