

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11708 of 2023

Applicant :- Kamal Singh

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

Counsel for Applicant :- Manoj Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Heard learned counsel for the applicant, learned AGA for the State of U.P. and gone through the record.

As per Office Report dated 16.12.2023, service of notice upon opposite party Nos. 2 and 5 is sufficient. However, when the case was called out, no one put in appearance on behalf of the opposite party No. 2 to oppose this application. The opposite party No. 5 is present in person before this Court today alongwith Sri Ankuj Kumar, Advocate, who has filed his Vakalatnama on behalf of opposite party No. 5 in the Court today, which is taken on record.

Supplementary affidavit bringing on record the compromise entered into between the parties is taken on record.

The present application under Section 482 Cr.P.C. has been filed to quash the entire proceedings of Sessions Trial No. 23/2021, Case Crime No. 708/2019, under Sections 363, 366 and 376 IPC and Section 3/4 of POCSO Act, Police Station Sarojani Nagar, District Lucknow pending before Special Judge, POCSO Act, Lucknow as also the charge sheet dated 17.12.2020.

Considered the facts, as stated, by the learned counsel for the parties and also by the applicant/Kamal Singh and opposite party No. 5/(victim), who have identified by their counsel, which are to the effect that applicant and opposite party No. 5 had solemnized the marriage on 23.11.2019 and are blessed with two minor children (a baby boy and a baby girl) and are now living happily as husband and wife alongwith their children and also that during investigation, the opposite party No. 5 stated that she is aged about 20 years and on her own volition accompanied the applicant and solemnized marriage with him and now she is having pregnancy of about 7 months, as appears from Annexure Nos. 2 & 3 to this application, which are the copy of statement(s) of victim recorded under Sections 161 and 164 Cr.P.C. as also that the pendency of criminal

proceedings, in issue, would ruin the marital life of applicant and opposite party No. 5 as also the entire family and the observations made by the Hon'ble Apex Court in various pronouncements related to quashing of criminal proceedings viz. *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 and also the judgment passed in *Criminal Petition No. 3710 of 2022 (Aarush Jain vs. State of Karnataka and another)*.

Having considered the aforesaid facts and circumstances of the case as also taking note of the observations made in the judgments, referred above, and the nature of crime, as also considering the fact that if the relief sought in the instant application is not granted then in that eventuality the entire family would be shattered and further, that in view of the statement of opposite party No. 5 (victim) made before this Court, the possibility of conviction is extremely bleak, this Court is of the view that no purpose would be served in keeping the proceedings pending before the trial court and hence, entire proceedings, in issue, are hereby quashed in terms of the compromise.

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

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

Order Date :- 18.12.2023

Arun/-