

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11894 of 2023

Applicant :- Rahil

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Civil Sectt. Lko And 3 Others

Counsel for Applicant :- Mohd. Waris Farooqui

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Sri Umakant Verma, learned Advocate, has put in appearance by way of filing Vakalatnama on behalf of opposite party no. 2 and filed his Vakalatnama, which is taken on record.

Heard learned counsel for the petitioner/ applicant and learned AGA for the State as well as perused the record.

The present petition has been filed for the following main relief:-

"WHEREFORE, it is most respectfully prayed that this Hon'ble Court may very graciously be pleased to quash/set-aside the impugned Charge Sheet No. 1 dated 20.08.2022, in relation to F.I.R.No.44 of 2021 under Section 376 of the Indian Penal Code and 5/6 of the PACSO Act, Police Station Maharajganj Tarai, District Balrampur as well as the impugned summoning order dated 16.11.2022; passed by the Special Judge, PACSO Act/Additional Sessions Judge, Balrampur, including the entire proceedings of Crl.Sessions Trial No.292 of 2022 (State versus Rahil), pending before the Special Judge, PACSO Act/Additional Sessions Judge, Balrampur, as contained in Annexures Nos. 2 and 3 respectively to the petition; or may pass such other order or direction, which this Hon'ble Court may deem just and proper in the circumstances of the case in the favour of the applicant/petitioner."

Considering the facts as indicated in the present petition and the documents on record which have not been disputed by the parties present before this Court namely Rahil(petitioner) and informant (opposite party no.2) alongwith their male child namely Master Usman Khan, who have been identified by their respective Counsels, that marriage between petitioner and opposite party no.2 was solemnized in the month of January 2018 and out of this wedlock male child was born on 16.10.2018 and on account of persuasion, the opposite party no.2 preferred an application under Section 156(3) Cr.P.C. against all the family members and close relatives, which was allowed on 10.03.2021 and in compliance thereof an FIR was lodged under Sections 376/352/504/506 IPC and also that victim was major at relevant time as per medical opinion and to controvert the same there is no document on record and further that as per Nikahnama, which is annexed as annexure no. 9 to the present petition, marriage was performed according to Muslim rights and rituals and also considering the

submissions of the parties which are to the effect that the indulgence of this Court is required in the matter else marital life would be revived and also taking note of 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, this Court is of the view that no purpose would be served in keeping the proceedings pending before the trial court and hence, the same are hereby quashed.

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

Office is directed to send a copy of this order to the court concerned through email/fax immediately for necessary compliance.

Order Date :- 7.12.2023

Jyoti/-