

Court No. - 12

Case :- APPLICATION U/S 482 No. - 12021 of 2023

Applicant :- Pankaj Kumar Shukla @ Pankaj Shukla

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

Counsel for Applicant :- Dheerendra Kr. Agnihotri

Counsel for Opposite Party :- G.A., Pramod Kumar

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicant, learned counsel for private respondent as well as learned A.G.A. for the State and perused the record.

2. The present application has been filed for quashing the entire proceeding of S.T. No. 1203 of 2023, (***State versus Pankaj Kumar Shukla***) in Case Crime No. 0488/2022 under section 328, 376(2), 377, 323, 506, 313, 504 I.P.C. and section 3(2) (v) of S.C./S.T. Act, Police Station- Ashiyana, District-Lucknow, pending in the court of learned Special Judge, S.C./S.T. Act, Lucknow, on the basis of Compromise Verification Report dated 22.11.2023.

3. Learned counsel for the applicant submits that victim of the present case was major at the time of incident and she was in association with applicant at her own choice, thereafter, she insisted for solemnizing marriage with him but family members of applicant were not agreed to this. He further submits that on the basis of incorrect facts, F.I.R. of the case in question was lodged and charge-sheet was submitted by Investigating Officer in the most mechanical manner. It is further submitted that in the meantime, applicant and private respondent entered into the marriage then the issue was resolved by way of settlement in writing and the same was placed before trial court; the contents of the settlement was verified by trial court. It is further submitted that now, both the above persons are enjoying their matrimonial life and victim does not want to prosecute applicant. It is, thus, submitted that impugned proceedings may be quashed.

4. Learned counsel for the private respondent/victim submits that victim is enjoying her matrimonial life with applicant and presently, she is residing with him, hence, the impugned proceedings may be quashed.

5. Learned A.G.A. vehemently opposes the prayer of applicant and submits that after detailed investigation, charge-sheet was submitted by Investigating Officer and victim has supported the prosecution version. He does not dispute this fact that the genesis of the case is that applicant denied to enter into marriage with victim.

6. Considering the submissions of learned counsel for the applicant, learned counsel for the private respondent, learned A.G.A. and going through the contents of application, contents of compromise which was verified by trial court on 22.11.2023 other relevant documents; it is evident that applicant and victim were in association but applicant denied to solemnised marriage with her, as a result, F.I.R. of the case in question was lodged. It is further evident that now, marriage of applicant and private respondent has already been solemnised and they are enjoying their matrimonial life. In such circumstances, the trial would be futile one.

7. With the above observations, this Court is of the view that the present application U/s 482 Cr.P.C. is **allowed** and the entire proceedings of S.T. No. 1203 of 2023, ***(State versus Pankaj Kumar Shukla)*** in Case Crime No. 0488/2022 under section 328, 376(2), 377, 323, 506, 313, 504 I.P.C. and section 3(2) (v) of S.C./S.T. Act, Police Station- Ashiyana, District-Lucknow, pending in the court of learned Special Judge, S.C./S.T. Act, Lucknow are hereby **quashed**.

8. Office is directed to communicate this order to trial court, forthwith.

Order Date :- 12.12.2023

Arpan