

Court No. - 12

Case :- APPLICATION U/S 482 No. - 12464 of 2023

Applicant :- Mohit Shukla And 3 Others

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

Counsel for Applicant :- Anil Kumar Tripathi, Amit Kumar Singh, V K Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Counter affidavit filed by learned counsel for the private respondent is taken on record.
2. Heard learned counsel for the applicants and learned A.G.A. for the State.
3. The present application under Section 482 Cr.P.C. is filed with the prayer to quash the proceeding of S.T. No.615 of 2022 pending before Special A.S.J./F.T.C., relating to Case Crime No.304/2020 under Sections 376, 313, 323, 504, 506 I.P.C., Police Station Tadiyawan, District Hardoi.
4. In pursuance of earlier order, complainant of the present case is present before this Court and she has been duly identified by her respective counsel.
5. Learned counsel for the applicant has submitted that applicant and victim of the present case were major, as the victim was working as a teacher in the school, in which, father of the applicant was manager, they came in association and when this fact came into notice of father of the applicant then he restrained the entrance of private respondent in the school, as a result, F.I.R. of the case in question was lodged and in the medico legal report, no any pregnancy was found. He next submitted that marriage of the victim has already been settled with someone else and now she does not want to pursue the case and willing to lead his life in mainstream and resolve the issue by way of some written document. He also submitted that trial is a futile exercise, therefore, impugned proceeding may be quashed.
6. Private respondent herself stated that her

marriage is already settled with someone else and she does not want to pursue the case and requested that impugned proceeding may be quashed in the interest of her future life.

7. Learned A.G.A. opposed the prayer of the applicant and submitted that charge sheet has already been filed but he does not dispute this fact that victim is present before this Court and stated that she does not want to prosecute the applicant in the present case.

8. Considering the submissions of learned counsel for the parties, going through the record of the application, statement of the victim as well as counter affidavit filed by counsel for the private respondent, in which, she stated that her marriage has already been settled with someone else and she does not want to contest the present case as she is willing to lead her life in the mainstream, therefore, in peculiar facts and circumstances of the case, impugned proceeding of S.T. No.615 of 2022 pending before Special A.S.J./F.T.C., relating to Case Crime No.304/2020 under Sections 376, 313, 323, 504, 506 I.P.C., Police Station Tadiyawan, District Hardoi is hereby quashed and application under Section 482 Cr.P.C. is **allowed**.

9. Copy of this order be communicated to the trial court as well as S.H.O. Police Station Tadiywan, District Hardoi.

Order Date :- 21.12.2023

Gaurav/-