

Court No. - 29

Case :- APPLICATION U/S 482 No. - 2385 of 2024

Applicant :- Vivek Upadhyay

Opposite Party :- State Of U.P. Thru. A.C.S /Prin. Secy. Deptt. Home Govt. Lko. And 3 Others

Counsel for Applicant :- Devendra Kumar Pathak,Alok Kirti Mishra,Durgesh Bajpai

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

Heard Sri Devendra Kumar Pathak, learned counsel for the applicant, Ms. Rupa Singh, leaned counsel for the opposite party no. 4 and learned AGA for the State.

The applicant and the victim were intimate. FIR in the criminal proceedings are the result of the opposition of the grandfather of the victim to the said relationship. The grandfather has since expired. On the date of the marriage the victim was major. The victim in her statement under Section 164 Cr.P.C. has admitted to intimacy with the applicant. The applicant and the victim have since got married. They have been living a blissful matrimonial after their marriage. Two children were born in the wed lock. The son is six years of age and the daughter is of one year. The couple is present in Court. They have identified by the respective learned counsels.

The parties have stated before the Court that they are happily married and have two children. The victim who is the wife of the first informant and whose grandfather has expired would not like to prosecute the case.

A joint affidavit has also been filed in the Court by the parties.

Nothing to the contrary has been shown from the records available with the learned AGA.

In view of above Chargesheet No. 40 of 2016 dated 18.04.2016 and non bailable warrants dated 24.03.2022 and 06.07.2023 issued by Additional Sessions Judge/Special Judge POCSO Act, Pratapgarh and the proceedings of S.T. No. 46 of 2016 arising out of Case Crime No. 92 of 2015 under Section 363, 366, 376 IPC and Section 3/4 of POCSO Act, P.S. Aaspur Deosara, District Pratapgarh are quashed.

The application U/S 482 is allowed.

Order Date :- 13.3.2024

Pravin