

Court No. - 13

Case :- APPLICATION U/S 482 No. - 7408 of 2024

Applicant :- Anand Mani Yadav

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

Counsel for Applicant :- Mohd. Vakar Khan, Abdul Alim Khan

Counsel for Opposite Party :- G.A., Lal Bahadur Khan

Hon'ble Saurabh Lavania, J.

1. Heard learned counsel for the applicant, Shri Jugal Kishore, learned AGA for the State of U.P. and Shri Lal Bahadur Khan, learned counsel for the opposite party no. 2.

2. Instant application has been filed with a prayer to quash the charge sheet dated 27.11.2019 arising out of Crime No. 177/2019, under Sections 376 IPC pertaining to Police Station- Hanswar, District- Ambedkar Nagar as well as the impugned cognizance/summoning order passed in Criminal Case No. 1775 of 2020 (State Vs. Anand Mani) by the learned Civil Judge (S.D.)/Additional Chief Judicial Magistrate, District- Ambedkar Nagar including the entire consequential proceedings.

3. For the purposes of seeking main relief, quoted above, it is stated that the case of the applicant is squarely covered by the judgment(s) of Hon'ble Apex Court rendered in the case of **Deepak Gulati vs. State of Haryana (2013) 7 SCC 675; Sonu @ Subhash Kumar vs. State of U.P. and Another (2021) 7 SCC; and Mandar Deepak Pawar vs. State of Maharashtra and Another 2022 SCC OnLine SC 2110.**

4. In continuation, it is stated that the complainant/victim/opposite party no. 2 met with the applicant in the year 2009-2010 and thereafter the applicant and the victim fell in love with each other and thereafter, the physical relationship between the applicant and the victim was established and this relationship continued till some dispute arose and on account of that dispute, the opposite party no. 2 get annoyed and on instigation by some friends, the FIR in issue was lodged on 08.10.2019 which is the basis of pending criminal proceedings and based upon the material collected, thereafter, the Investigating Officer filed the charge-sheet on 27.11.2019 and accordingly, the case is pending as Criminal Case No. 1775 of 2020 (State Vs. Anand Mani) in the Court of Civil Judge (S.D.)/Additional Chief Judicial Magistrate, District- Ambedkar Nagar.

5. It is also stated that a perusal of the FIR dated 08.10.2019 would indicate that after having in relationship for a period of about ten years, the opposite party no. 2 levelled allegations against the applicant which are to the effect that on the pretext of false promise of

marriage, the physical relationships were established by the applicant on several occasions, thus it is a case of interference by this Court.

6. Content of the short counter affidavit filed by the victim, to the view of this Court, supports the case of the applicant. Relevant paras of the said affidavit are as under:

"4. That it is also relevant to mention here that in the year 2009- 10 the answering deponent has met the with the applicant and soon thereafter they have developed a strong friendship and consequently the same was turned into deep love.

5. That thereafter, out of their love and affection they have also developed consensual physical relations and remained with their relation for about ten years. And during this period the applicant has promised the answering deponent that they will soon solemnized marriage and start a new life. But due to family problem he could not fulfill his promise, despite his best efforts.

6. That thereafter, in the heat of the moment and on the instigation of some friends; the answering deponent has initiated the impugned criminal proceedings by lodging the First Information Report dated 08.10.2019 in which the police has investigated the matter and filed the charge sheet on 27.11.2019 on which the learned trial court has took cognizance vide order dated 07.02.2020 which are impugned in the instant application under section 482 Cr.P.C.

7. That now the parents of the answering deponent have fixed her marriage with someone else, which to be solemnized in the month of November, 2024 and the deponent is also wants to settle her marriage and move on in her life.

8. That under these circumstances, the answering deponent doesn't want to pursue the instant criminal proceedings against the applicant to secure her bright future ahead. As the continuation of the same may cause hurdle and difficulty in her future matrimonial life.

9. That it respectfully submitted that now in the aforementioned circumstances the answering deponent/O.P. No.2 does not want to pursue the instant criminal proceedings initiated by her against the accused persons/present applicant as per the terms of the of compromise as executed between the parties on 26.10.2023, and the answering deponent has no objection if this Hon'ble Court may kindly be pleased to quash the same qua the applicant.

10. That it is respectfully submitted that as the matter has been amicably settled between the applicant and the answering deponent (O.P. No.2) and its contents were dully verified by the learned trial court; no useful would likely to be served if the prosecution is to be allowed to continue, and the allowance of the same would definitely lead them to face the hardship and agony of trial."

7. It appears that after considering the averments made in the Application U/S 482 Cr.P.C. No. 6080 of 2024 and the documents in support thereof as also the submissions made by the learned counsel

for the applicant, this Court vide order dated 10.07.2024 referred the matter to the concerned court for the purpose of verification of the compromise entered into between the parties.

8. It appears from the order dated 23.07.2024 (Annexure No. 11) that the trial Court has verified the compromise, mentioning therein that the parties were present and they have admitted that they have entered into an agreement voluntarily and their signatures have been verified by their respective counsels.

9. It also appears from the statement(s) recorded in terms of Section(s) 161 and 164 Cr.P.C. that the victim and the applicant were known to each other and the physical relationship was established with her consent and this relationship continued for about ten years.

10. Upon consideration of the aforesaid as also the observations in relation to making relationship on the pretext of false marriage made by the judgment(s) of Hon'ble Apex Court rendered in the case of **Deepak Gulati (supra); Sonu @ Subhash (supra); and Mandar Deepak Pawar (supra)** as also that no fruitful purpose would be served in keeping the proceedings pending before the trial court in view of the aforesaid including the nature of relationship and dispute between the applicant and the opposite party no. 2 and the chances of conviction in the proceedings pending are extremely bleak in the aforesaid as also as also the observations made by Apex Court in the case of **Ramgopal and others Vs. State of Madhya Pradesh, (2022) 14 SCC 531, 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, the same are hereby quashed.**

11. Accordingly, the present application is allowed.

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

Order Date :- 29.8.2024/Mohit Singh/-