



2025:UHC:11106

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

12TH DECEMBER, 2025

CRIMINAL MISCELLANEOUS APPLICATION NO. 2190 OF 2025

Ashwani Kumar Applicant

Versus

State of Uttarakhand and Another Respondents

Counsel for the Applicant : Mr. Bhuwan Bhatt, Advocate

Counsel for the Respondent : Mr. Tumul Nainwal, Assistant
No.1 Government Advocate with
Mr. Chitrarth Kandpal, Brief
Holder.

Counsel for the Respondent : Mr. Parth Tamta, Advocate
No.2-victim

Hon'ble Alok Kumar Verma, J.

This Application has been filed for quashing the entire proceedings of Special Sessions Trial No.58 of 2024, "State vs. Ashwani Kumar", pending before the Fast Track Special Court/Additional Sessions Judge, Dehradun under Sections 376, 323, 504 of the Indian Penal Code, 1860 (in short, "IPC") and Section 67 of the Information Technology Act, 2000.

2. Mr. Bhuwan Bhatt, learned counsel for the applicant-accused.



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3. Mr. Tumul Nainwal, learned Assistant Government Advocate for the respondent no.1.

4. Mr. Parth Tamta, learned counsel for the respondent no.2/victim.

5. The applicant-accused is present in-person. He is identified by Mr. Bhuwan Bhatt, Advocate. The respondent no.2 is present in-person. She is identified by Mr. Parth Tamta, Advocate.

6. According to the applicant and respondent no.2, they got married on 02.10.2024 and the said marriage has been registered under the provisions of the Uttar Pradesh Marriage Registration Rules, 2017 (Annexure No.4). They have a female child. They submitted that they are living happily. They have filed a Compounding Application (IA No.01 of 2025) and affidavits with their free will and without any pressure. The respondent no. 2 has requested to quash the entire proceedings of Special Sessions Trial No.58 of 2024.

7. The said request has been opposed by the respondent no.1.

8. Though this Court would normally be hesitant to quash the proceedings under Section 376 IPC, but, it



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is noticed that the applicant and the victim got married and they are living happily with their child. In these circumstances, in case, the proceedings are allowed to continue, it would amount to denial of complete justice to the parties. Therefore, it is a case, in which the inherent jurisdiction of this Court should be exercised to do real and substantial justice.

9. Considering the totality of the matter, this Court is of the view that ends of justice would be met if the entire proceedings of Special Sessions Trial No.58 of 2024, “State vs. Ashwani Kumar”, pending before the Fast Track Special Court/Additional Sessions Judge, Dehradun, are quashed.

10. Resultantly, the present Application, filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is allowed and the entire proceedings of Special Sessions Trial No.58 of 2024, “State vs. Ashwani Kumar”, pending before the Fast Track Special Court/Additional Sessions Judge, Dehradun, are hereby quashed.

ALOK KUMAR VERMA, J.

Date: 12.12.2025
JKJ/ Pant