



2025:AHC:175696

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 32970 of 2025

Nirajan Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ram Adhar Yadav, Satendra Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 77

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard Sri Akhilesh Kumar Yadav, Advocate holding brief of Sri Satendra Kumar, learned counsel for applicant and learned A.G.A. for State.

2. The instant application has been preferred for quashing the charge-sheet dated 19.06.2023 along with cognizance order dated 14.11.2024 as well as entire proceedings of Session Trial No.2370 of 2024 (State vs. Nirajan) arising out of Case Crime No.251 of 2022, under sections 363, 354 IPC and sections 7/8 POCSO Act, P.S. Bargaon, District- Saharanpur, pending in the court of learned Additional District Judge, Court No.13, Saharanpur.

3. It is submitted by learned counsel for applicant that mother of the victim has already been expired, but father of the victim is still surviving; in spite of that information which has been received in shape of Case Crime No.251 of 2022 in pursuance to sections 363, 354 IPC and sections 7/8 POCSO Act has been preferred at the behest of opposite party no.2, who is real uncle of the victim. Although the F.I.R. has been registered on dated 18.12.2022, but in spite of the same marriage has been solemnized between applicant and victim on dated 10.05.2023 out of which a male child has been born on dated 12.03.2024, the birth certificate pertains to baby of the victim and applicant is reflecting name of the applicant as father and name of the victim as mother of the said child.

4. It is specifically submitted by learned counsel for applicant that marriage performed between the applicant and victim has not been registered till today, otherwise applicant and victim are living peaceful married life being husband and wife and as such allegation whatsoever has been put forward

against the applicant arising out of grievances of the victim is no more surviving, which is reflecting from the statement recorded by the victim herself under section 164 Cr.P.C. on dated 10.04.2023, wherein it is submitted by learned counsel for applicant himself that she is ready to perform marriage with the accused in Case Crime No.251 of 2022 and the same has been happened within a month and the marriage has been solemnized on dated 10.05.2023.

5. Per contra, learned AGA vehemently opposed the prayer as made in the application, but did not dispute the submissions as made by learned counsel for applicant.

6. After hearing rival submissions extended by learned counsel for the parties, it is crystal clear that once the marriage has already been solemnized and applicant and victim has been blessed with a child at present having age of more than one year, continuation of criminal proceeding against the applicant which although in reference to the offence committed at the time when the F.I.R. has been registered, but in the changed circumstances the same proceeding may not be permitted to continue, since the same will be adversely affecting the normal and peaceful life of a married couple and the same shall be stigmatic in brought up of an infant. The strict procedure of law may be little deviated just to save the peaceful married life of a couple, who has already been placed with a child and as such the justice will be in shape of quashing the entire proceedings arising out of Case Crime No.251 of 2022, pending in the court of learned Additional District Judge, Court No.13, Saharanpur, so that the married couple may not lead their life with a permanent fear of being caught up under the criminal proceedings.

7. In view of aforementioned facts and circumstances of the case and considering the arguments made by learned counsel for applicant, charge-sheet dated 19.06.2023 along with cognizance order dated 14.11.2024 as well as entire proceedings of Session Trial No.2370 of 2024 (State vs. Nirajan) arising out of Case Crime No.251 of 2022, under sections 363, 354 IPC and sections 7/8 POCSO Act, P.S. Bargaon, District- Saharanpur, pending in the court of learned Additional District Judge, Court No.13, Saharanpur, is hereby quashed.

8. However, it is made clear that learned counsel for applicant is hereby requested to inform his client in respect of concerned of married couple for

their own security that the marriage whatsoever has been solemnized as per the Hindu rituals may be registered before the Registrar, Marriages.

9. The instant application stands **allowed** accordingly.

September 26, 2025
Saif

(Saurabh Srivastava,J.)