2026:AHC:227461

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 5139 of 2026

Ajeet Kumar And Another

.....Applicant(s)

Versus

State Of U.P And Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Akhilesh Kumar, Ashish Yadav, Mohd. Monis
Counsel for Opposite Party(s)	:	G.A., Mohammad Saleheen Ansari

Court No. - 79

HON'BLE MADAN PAL SINGH, J.

1. Heard learned counsel for the parties and perused the material available on record.

2. The instant application under Section 528 of the B.N.S.S. has been filed with a prayer to quash the charge-sheet dated 03.12.2025, the cognizance/summoning order dated 14.01.2026, as well as the entire proceedings of Criminal Case No. 561 of 2026, CNR No. UPMA0400086792026 (State Vs. Ajeet Kumar), arising out of Case Crime No. 0513 of 2025, under Sections 87 and 137(2) of the B.N.S., Police Station Ghosi, District Mau.

3. Earlier, on 12.10.2026, this Court directed the Chief Medical Officer (C.M.O.), Mau, to determine the age of the victim by conducting an ossification test. The relevant order reads as under:

> *"1. Learned counsel for the applicants submits that the victim is not a minor. It is further submitted that the victim is presently residing with the applicant as his wife and both are living happily together.*
>
> *2. From the perusal of the compliance affidavit filed by learned A.G.A. shows that at page no. 5, a certificate issued by the Principal of Sanatan Bal Vidya Mandir mentions the date of birth of the victim as 03.09.2007. However, the affidavit submitted by the mother of the victim on 27.05.2025 mentions that the date of birth of her daughter was changed and her actual date of birth is 09.06.2012.*

3. Learned counsel for opposite party no. 2 submits that the birth certificate issued by the Panchayat Adhikshak, Gram Panchayat Saraisadi, District Mau, mentions the date of birth of the victim as 09.06.2012, which was registered on 03.08.2025.

4. Upon being asked by the Court, learned counsel for the applicants submits that the date of birth of the victim is based on the affidavit of her mother.

5. In view of the different dates of birth mentioned in the documents relied upon by the parties, it would be appropriate to direct the Chief Medical Officer (C.M.O.), Mau, to determine the age of the victim by conducting an ossification test.

6. Learned counsel for the applicant admits that the victim is presently residing with the applicant no. 1 namely Ajeet Kumar. Accordingly, the applicant is directed to produce the victim before the C.M.O., Mau, on 22.10.2026 for determination of her age. The C.M.O., Mau, is directed to constitute a Medical Board on the same day and determine the age of the victim by conducting an ossification test. The report of the Medical Board shall be submitted to this Court in a sealed cover on or before the next date fixed.

7. Put up as fresh on 02.11.2026.

8. The Registrar (Compliance) of this Court is directed to communicate this order to the C.M.O., Mau, within three days for necessary compliance."

4. In compliance with the aforesaid order, a report has been submitted by the C.M.O., Mau, in a sealed cover, wherein the age of the victim has been determined to be between 19 and 20 years.

5. The alleged incident took place in the year 2025. Thus, as per the report of the Medical Board, the victim was major at the time of the alleged incident. The applicant and the victim have solemnized their marriage and are presently living together as husband and wife. The victim herself has also filed an affidavit stating that she does not wish to pursue the prosecution against the applicant.

6. Considering the age of the victim, as determined by the Medical Board,

and the fact that she is presently living with the applicant as his wife and does not wish to pursue the prosecution, no useful purpose would be served by allowing the criminal proceedings to continue.

7. Accordingly, the present application is allowed. The entire proceedings of Criminal Case No. 561 of 2026, CNR No. UPMA0400086792026 (State Vs. Ajeet Kumar), arising out of Case Crime No. 0513 of 2025, under Sections 87 and 137(2) of the B.N.S., Police Station Ghosi, District Mau, are hereby quashed.

November 2, 2026
Akbar

(Madan Pal Singh,J.)

Digitally signed by :-
MOHAMMAD AKBAR
High Court of Judicature at Allahabad