



2026:AHC-LKO:41594

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 4941 of 2026

Amit Yadav And Another

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of Home
U.P. Lko. And Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shiv Kumar Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 12

HON'BLE RAM MANOHAR NARAYAN MISHRA, J.

1. Shri Sheo Kumar Verma, Advocate, has filed his Vakalatnama on behalf of Opposite Party No. 2 / informant, which is taken on record.
2. Heard learned counsel for the petitioners learned AGA for the State respondent No. 1, Shri Sheo Kumar Verma, Advocate learned counsel for opposite party no.2.
3. The instant petition under Section 482 Cr.P.C. has been filed by the applicants seeking quashing of Charge Sheet No. 01 of 2023 dated 08.01.2023, submitted by the Investigating Officer in Case Crime No. 109 of 2022, under Sections 376, 323, and 504 IPC, Police Station Mahila Thana, Lucknow District, which is pending before the Fast Track Court, Lucknow, as Criminal Case No. 63721 of 2023 (State vs. Amit Yadav and Others). The learned court below has taken cognizance against the applicants/petitioners and passed the impugned summoning order dated 28.03.2023.
4. Learned counsel for the petitioner submitted that this is a case under Section 376, 2003 and 504 IPC. The allegation against the petitioners is that the petitioner no.1 was in relationship with the victim for the last four years. When the FIR was lodged by the victim against them on 16.08.2022 with the allegation that he continued physical relationship with her on pretext of marriage and when she insisted for marriage, he

denied to marry her and even slapped her and abused her mother.

5. He next submitted that from bare perusal of FIR, it is quite obvious that there was long and consensual physical relationship between the informant and petitioner no.1. In course of time, good sense prevailed between the parties and they compromised the matter. There is no allegation against the petitioner no.1 that he committed violent or forced sexual intercourse with the victim. The matter is essentially of private character and is liable to be resolved through compromise.

6. He next submitted that in this regard the Application preferred U/S 482 No. 9816 of 2023 in which prayer was made for setting aside the summoning order dated 28.3.2023 passed by trial court in present matter as well as quashing of charge sheet filed against the petitioners after investigation.

7. He next submitted that this Court, vide order dated 17.10.2023, passed in Application under Section 482 No. 9816 of 2023, has passed the following order. The relevant paragraphs no. 4 to 10 of the said order are reproduced hereinbelow:

"4. Learned counsel for the applicants submitted that the victim is a major, prudent and educated woman and she was in association with the applicant no.1 willingly and about Rs.7,00,000/- have been taken by her from the applicant no.1 in her account (details of the statement of account is annexed as SA-1 to the supplementary affidavit filed by learned counsel for the applicants). He further submitted that when some money was asked by applicant no.1 then on the basis of incorrect facts, F.I.R. of case in question was lodged with the allegation that on the pretext of marriage, victim was being physically abused by the applicant no.1. He further submitted that the victim was never abused on the pretext of marriage as she was associated with the applicant no.1 on her own.

5. Learned counsel for the applicants relied on the decision of hon'ble Apex Court in the cases of Shambhu Kharwar Vs. State of U.P. & Anr in Criminal Appeal No.1231 of 2022, Deepak

Gulati Vs. State of Haryana reported in (2013) 7 SCC 675 and Pramod Suryabhan Pawar Vs. State of Maharashtra & Anr. reported in (2019) 9 SCC 608 and submitted that the victim is major and prudent woman and her consent cannot be said to be obtained on the basis of misconception of the fact, therefore, kind indulgence of this Court is necessary.

6. Learned A.G.A. opposed the prayer of applicants and submitted that after detailed investigation, charge-sheet has been filed and all these defence of applicants cannot be considered at this stage but he does not dispute this fact that the victim is a major and educated woman.

7. Considering the submissions of learned counsel for the parties, going through the contents of application, as well as other relevant documents, as it is evident from the record that the victim is a major and educated woman, as it is also evident that huge amount was transferred by the applicant no.1 in the account of victim, therefore, matter requires consideration.

8. List this case on in the second week of January, 2024.

9. Issue notice to private respondent returnable at an early date.

10. Impugned proceedings shall remain stayed till further order."

8. He next submitted that in pursuant to the aforesaid order passed in earlier Application U/S 482 No. 9816 of 2023, learned trial court has verified the compromise in presence of parties. Copy of verified compromise deed along with certified copy of compromise order has been filed in present petition as Annexure No. 9 and 11. The said compromise has been verified by the learned trial court on 27.2.2026.

9. In view of above, learned counsel for the respondent no.2 has raised no objection to the prayer made by learned counsel for the petitioners for quashing of the criminal proceedings taken against them in terms of

compromise.

10. Keeping in view the joint prayer made by learned counsel for the parties and the fact that the parties have amicably settled their dispute in terms of the compromise, which has been duly verified by the learned court below on 27.02.2026, the proceedings arising out of Charge Sheet No. 01 of 2023 dated 08.01.2023, submitted by the Investigating Officer in Case Crime No. 109 of 2022, under Sections 376, 323, and 504 IPC, Police Station Mahila Thana, District Lucknow, pending as Criminal Case No. 63721 of 2023 (State vs. Amit Yadav and Others) before the Fast Track Court, Lucknow, as well as the summoning order dated 28.03.2023, are hereby **quashed**.

11. The petition stands **allowed** accordingly.

12. Let copy of this order be sent to court concerned for intimation and follow up action.

(Ram Manohar Narayan Mishra,J.)

June 19, 2026

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