



2026:AHC:65131

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 12466 of 2026

Ramesh Yadav

.....Applicant(s)

Versus

State Of U.P. And 4 Others

.....Opposite
Party(s)

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

Court No. - 80

HON'BLE VIVEK KUMAR SINGH, J.

1. Vakalatnama filed by Sri Shiv Kumar Yadav, Advocate on behalf of opposite party nos. 2 and 3 are taken on record.
2. Heard learned counsel for the applicant, Shiv Kumar Yadav, learned counsel for the opposite party nos. 2 and 3, and Shri learned AGA for the State-opposite party no.1.
3. Present application under Section 528 of the BNSS has been filed to quash the entire proceedings of Special Sessions Trial No. 23 of 2016 (State of U.P. vs. Ramesh yadav), arising out of Case Crime No. 1253 of 2014, under Sections 363, 366, 376 of I.P.C. and Section 4 POCSO Act, Police Station Kerakat, District Jaunpur, pending in the court of Additional Sessions Judge, First, Jaunpur, on the basis of Compromise.
4. Brief facts of the case are to the effect that an F.I.R. was registered against the applicant on 04.12.2014 as Case Crime No. 1253 of 2014, under Section 363, 366 of I.P.C., P.S. Kerakat, District Jaunpur, wherein it is alleged that the daughter of the informant, aged about 17 years has been enticed away by the applicant on 08.10.2014 at 4:00 am. The applicant and the victim filed a Crl. Misc. Writ Petition No. 2017 of 2015, which was disposed of by the Division Bench of this Court vide order dated 30.01.2015 with certain directions.
5. The Investigating Officer submitted chargesheet in this case but the applicant could not know about filing of the chargesheet and as soon as he

came to know about filing of the chargesheet, he filed Application U/S 528 B.N.S.S. No. 3020 of 2026 which was disposed of by a co-ordinate Bench of this Court vide order dated 28.01.2026 with a direction that the parties shall appear before the learned Court concerned and the compromise entered into between the parties shall be verified by the learned Court concerned. The following order was passed by a co-ordinate Bench of this Court on 28.01.2026:

1. Sri Ashok Kumar Yadav, learned counsel for the accused/applicant appears and submits that the present application has been moved to quash the entire proceedings of Special Sessions Trial No. 23 of 2016 (State Vs. Ramesh Yadav), arising out of Case Crime No.1253 of 2014, under Sections 363, 366, 376 IPC and Section 4 POCSO Act, P.S. Kerakat, District Jaunpur arose out of case lodged by the father of the victim for enticement in the year 2014. The accused applicant and victim have married having two children. Where the proceedings of the trial was not within the knowledge of accused applicant and presently, the process under Section 82 Cr.P.C. has been issued against the accused applicant, who has never appeared before the trial court after submission of the charge sheet. He further submits that the informant's father has entered into compromise with accused applicant, wherein the victim is a party. Certified copy of the compromise is at page 68 of the application. Hence, seeks interference of this Court.

2. Sri Shiv Kumar Yadav, learned counsel for the opposite party no.2 and 3 (informant and victim) appears and filed Vakalatnama along with short counter affidavit, the same is taken on record. He admits the factum of marriage between the accused applicant and victim and the compromise entered into between the parties. He further submits that the parties does not want to continue with the prosecution case.

3. Learned counsel for the parties further submits that parties have amicably resolved their personal dispute, therefore, does not want to get adjudication of alleged criminal act and prayed that the aforesaid criminal case may be quashed in pursuance to compromise.

4. Learned AGA for the State submits no objection if the parties approach trial court to file compromise in the given circumstances.

5. *None appeared for the opposite party nos.4 and 5.*

6. *The Apex Court in the case of Mafat Lal and another Vs. The State of Rajasthan (2022) 6 SCC 589 has quashed the F.I.R. and consequential proceedings of offence U/s 363, 366 I.P.C. considering the marriage of accused and victim.*

7. *Even in the cases of POCSO Act, the Apex Court in the case of K. Dhandapani Vs. State by the Inspector of Police (2022 SCC Online SC 1056) has set aside the conviction and sentence of the accused affirmed by the High Court in the matter of POCSO Act considering that the accused and victim are living happily in their married life and held that "This Court cannot shut its eyes to the ground reality and disturb the happy family life of the appellant and the prosecutrix".*

8. *It is an admitted fact placed by the learned counsel for the parties that the accused and victim are married. The facts of the case present case is to be looked in the light of above judgment.*

9. *Whether the parties (informant, victim and accused) have entered into compromise, can best be adjudicated by the trial court. As such, the parties may appear before the trial court and file the compromise entered into between the parties within thirty day, which shall be verified by the trial court. The trial court shall place the original in its record.*

10. *No compromise shall be entertained by the trial court if the informant, victim and accused are not signatories and appear before the court for its verification. In case of exigency, the trial court shall apply its mind and pass appropriate order.*

11. *For a period of two months, the proceedings of the trial court shall be kept in abeyance, if the compromise is filed and verified within stipulated period, otherwise, the trial court shall continue with the trial.*

12. *All the parties, who files compromise and get it verified shall then file a joint application invoking inherent power of this Court to quash the criminal proceeding.*

13. *In view of the above, the application under Section 528 B.N.S.S. is*

accordingly disposed of.

6. It is submitted by the learned counsel for the applicant that the parties have entered into compromise. After alleged elopement of the victim, the marriage was solemnized between the applicant and the victim and two children were born out of the wedlock. The applicant and the victim are living as husband and wife under the same roof and now their marriage has been accepted by the first informant/opposite party no. 2 of the present case and he also entered into compromise on 10.03.2026 which was also verified by the learned Trial Court on 10.03.2026. The compromise deed dated 10.03.2026 has been appended as Annexure No. 6 to the affidavit.

7. It is further submitted by the learned counsel for the applicant that in view of the compromise, verified by the learned Court concerned on 10.03.2026, the proceedings against the present applicant be quashed since the applicant and the victim are living together as husband and wife for last 12 years and two children were born out of the wedlock.

8. Learned counsel for the opposite party nos. 2 and 3, did not oppose the prayer made by the learned counsel for the applicant and supported the contentions of the learned counsel for the applicant. It is admitted by the learned counsel for the opposite party nos. 2 and 3, during the course of arguments that the marriage has been solemnized between the applicant and the victim of the present case and two children were born out of the wedlock. It is further submitted that the proceedings of the present case may be quashed by this Court in view of the compromise dated 10.03.2026. It is also submitted that a compromise has taken place between the parties without any pressure.

9. The learned A.G.A. opposed the prayer made by the learned counsel for the applicant, but could not dispute the fact of marriage, birth of two children and compromise and its verification on 10.03.2026.

10. I have heard rival submissions of the parties and perused the record.

11. Undoubtedly, the marriage of the applicant and the victim has taken place a long way back and two children were born out of the wedlock of

the applicant and the victim. The compromise has also taken place between the applicant and the opposite party no. 2/informant who has accepted the marriage of the applicant and the victim/opposite party no. 3.

12. Reference may be made to the judgements of Supreme Court in **K. Dhandapani Vs. The State By the Inspector of Police, 2022 SCC OnLine SC 1056** and **Mafat Lal and other Vs. The State of Rajasthan, 2022 SCC OnLine SC 433**, wherein, the Apex Court quashed the criminal prosecution of accused therein on the ground that accused had solemnized marriage with the prosecutrix and court cannot turn a blind eye to the said fact. In the submission of learned counsel for applicant, the ratio laid down by Apex Court in aforementioned judgements is squarely applicable to the facts of the present case. As such, no exception can be carved out in the case of present applicant with reference to the aforementioned judgements of Supreme Court inasmuch as the applicant has also solemnized marriage with the prosecutrix and the parties are happily living together. On the above conspectus, the learned counsel for applicant submits that the criminal prosecution of applicant cannot be sustained in law as well as fact and therefore, the same is liable to be quashed by this Court.

13. The Apex Court in the case of **K. Dhandapani (supra)** and **Mafat Lal (Supra)** also quashed the proceedings against the accused therein on the grounds that the accused had solemnized marriage with the prosecutrix and secondly, the court cannot turn a blind eye to the said fact. Since the judgement rendered by Apex Court in the case of K. Dhandapani (supra) is a short one, therefore, the same is reproduced in its entirety:

"Leave granted.

The appellant who is the maternal uncle of the prosecutrix belongs to Valayar community, which is a most backward community in the State of Tamilnadu. He works as a woodcutter on daily wages in a private factory. FIR was registered against him for committing rape under Sections 5(j)(ii) read with Section 6, 5(I) read with Section 6 and 5(n) read with Section 6 of Protection of Child from Sexual Offences (POCSO) Act,

2012. He was convicted after trial for committing the said offences and sentenced to undergo rigorous Reason: imprisonment for a period of 10 years by the Sessions Judge, Fast Track Mahila Court, Tiruppur on 31.10.2018. The High Court, by an order dated 13.02.2019, upheld the conviction and sentence. Aggrieved thereby, the appellant has filed this appeal.

Mr. M.P.Parthiban, learned counsel appearing for the appellant, submitted that allegation against him was that he had physical relations with the prosecutrix on the promise of marrying her. He stated that, in fact, he married the prosecutrix and they have two children.

The appellant submitted that this Court should exercise its power under Article 142 of the Constitution and ought to do complete justice and it could not be in the interest of justice to disturb the family life of the appellant and the prosecutrix.

After hearing the matter for some time on 08 th March, 2022, we directed the District Judge to record the statement of the prosecutrix about her present status. The statement of the prosecutrix has been placed on record in which she has categorically stated that she has two children and they are being taken care of by the appellant and she is leading a happy married life.

Dr. Joseph Aristotle S., learned counsel appearing for the State, opposed the grant of any relief to the appellant on the ground that the prosecutrix was aged 14 years on the date of the offence and gave birth to the first child when she was 15 years and second child was born when she was 17 years. He argued that the marriage between the appellant and the prosecutrix is not legal. He expressed his apprehension that the said marriage might be only for the purpose of escaping punishment and there is no guarantee that the appellant will take care of the prosecutrix and the children after this Court grants relief to him.

In the peculiar facts and circumstances of this case, we are of the considered view that the conviction and sentence of the appellant who is maternal uncle of the prosecutrix deserves to be set aside in view of the subsequent events that have been brought to the notice of this Court. This

Court cannot shut its eyes to the ground reality and disturb the happy family life of the appellant and the prosecutrix. We have been informed about the custom in Tamilnadu of the marriage of a girl with the maternal uncle.

For the aforesaid mentioned reasons, the conviction and sentence of the appellant is set aside in the peculiar facts of the case and shall not be treated as a precedent. The appeal is accordingly, disposed of. Pending application(s), if any, shall stand disposed of.

In case, the appellant does not take proper care of the prosecutrix, she or the State on behalf of the prosecutrix can move this Court for modification of this Order."

14. The Apex Court in the case of **Shriram Urav Vs. State of Chhattisgarh in Criminal Appeal No(S). 41/2021**, decided on 10.01.2025, also quashed the conviction as well as the sentence imposed upon the appellant on the ground that the appellant/accused and the complainant/victim had married each other.

15. Similarly, in the case of **Dasari Srikant vs. State of Telangana reported in (2024) SCC OnLine SC 936**, wherein, under identical circumstances and almost identical provisions the Supreme Court quashed the proceedings instituted against the accused therein. The relevant paragraph 8 to 10 of the **Dasari Srikant (supra)** read as under:-

"8. Since, the appellant and the complainant have married each other, the affirmation of the judgment rendered by the High Court would have the disastrous consequence on the accused appellant being sent to jail which in turn could put his matrimonial relationship with the complainant in danger.

9. As a consequence, we are inclined to exercise the powers under Article 142 of the Constitution of India for quashing the conviction of the accused appellant as recorded by the learned trial Court and modified by the High Court.

10. As a result, the impugned judgment dated 27th June, 2023 passed by the High Court and judgment dated 9th April, 2021 passed by the trial

Court are hereby quashed and set aside."

16. In another judgment of **Mahesh Mukund Patel vs. State of U.P. and Others, reported in 2025 SCC OnLine SC 614**, the Hon'ble Supreme Court quashed the proceedings of offence, punishable under Section 354A, 363, 366, 376 of the Indian Penal Code, 1860 and Section 3 and 4 of the Protection of Children from Sexual Offences Act on the ground of marriage between the accused and the victim. It was brought on record that from the wedlock between the accused and the victim, two children were born, whose documents were produced alongwith the appeal. The Apex Court in this case quashed the proceedings on the ground that no purpose would be served by continuing the prosecution as it would cause undue harassment to the appellant/accused and the victim and their children.

17. The Supreme Court in another judgment of **Madhukar and Others vs. The State of Maharashtra and Another**, arising out of SLP (Criminal) No. 7212 of 2025, alongwith **Prabhakar vs. The State of Maharashtra and Another**, arising out of SLP (Criminal) No. 7495 of 2025, quashed the proceedings of case crime no.302 of 2023, dated 20.11.2023, under sections 324, 141, 143, 147, 149, 452, 323, 504 and 506 of the Indian Penal Code, 1860 as well as quashed the proceedings of case crime no.304 of 2023, dated 21.11.2023, under sections 376, 354-A, 354-D, 509 and 506 IPC on the basis of compromise between the parties. Paragraph nos.6, 7 and 8 of the said judgment are reproduced herein:-

"6. At the outset, we recognise that the offence under Section 376 IPC is undoubtedly of a grave and heinous nature. Ordinarily, quashing of proceedings involving such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly. However, the power of the Court under Section 482 CrPC to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case.

7. In the present matter, we are confronted with an unusual situation where the FIR invoking serious charges, including Section 376 IPC, was filed immediately following an earlier FIR lodged by the opposing side. This sequence of events lends a certain context to the allegations and

suggests that the second FIR may have been a reactionary step. More importantly, the complainant in the second FIR has unequivocally expressed her desire not to pursue the case. She has submitted that she is now married, settled in her personal life, and continuing with the criminal proceedings would only disturb her peace and stability. Her stand is neither tentative nor ambiguous, she has consistently maintained, including through an affidavit on record, that she does not support the prosecution and wants the matter to end. The parties have also amicably resolved their differences and arrived at a mutual understanding. In these circumstances, the continuation of the trial would not serve any meaningful purpose. It would only prolong distress for all concerned, especially the complainant, and burden the Courts without the likelihood of a productive outcome.

8. Therefore, having considered the peculiar facts and circumstances of this case, and taking into account the categorical stand taken by the complainant and the nature of the settlement, we are of the opinion that the continuation of the criminal proceedings would serve no useful purpose and would only amount to abuse of process."

18. In view of the ratio laid down by the Hon'ble Apex Court in the aforementioned judgments as well as facts of the case, the present application succeeds and is liable to be allowed. It is accordingly **allowed**.

19. The entire proceedings of Special Sessions Trial No. 23 of 2016 (State of U.P. vs. Ramesh yadav), arising out of Case Crime No. 1253 of 2014, under Sections 363, 366, 376 of I.P.C. and Section 4 POCSO Act, Police Station Kerakat, District Jaunpur, pending in the court of Additional Sessions Judge, First, Jaunpur, are hereby **quashed**.

20. No order as to costs.

(Vivek Kumar Singh,J.)

March 28, 2026

A.P. Pandey