



2026:AHC:56511

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 9968 of 2026

Suresh Maurya

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Harish Kumar Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 78

HON'BLE AVNISH SAXENA, J.

1. Sri Harish Kumar Tripathi, learned counsel for the accused-applicant appears and submits that the F.I.R. of enticement has been lodged by the mother of victim on 19.07.2022. The accused-applicant and victim have married in a temple. The temple committee has issued a certificate of marriage on 21.09.2023, at page no.44 of the application. He submits that the victim has also stated in her statement under Section 164 CrPC in favour of the applicant. He further submits that there is a child born out of the wedlock. He submits that the informant has accepted the relations of accused-applicant and victim, therefore, entered into compromise. The trial is continuing. Hence, he seeks intervention of this Court to quash the charge sheet dated 21.01.2024, cognizance/summoning order dated 23.02.2024 and the entire proceedings of Sessions Case No.376 of 2024, arising out of Case Crime No.111 of 2022, under Sections 363, 366, 376 IPC and 5/6 of POCSO Act and Section 3(2)(5) S.C./S.T. Act, Police Station Harpur Budhat, District Gorakhpur, pending before the court of Special Judge POCSO Act 1st, Gorakhpur, inter alia, on the ground of compromise.

2. Sri Pankaj Kumar Ojha, learned counsel for the opposite party no.2 hands up the vakalatnama and short counter affidavit. The same is taken on record.

3. None appeared for the opposite party nos. 3 and 4.

4. 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.

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

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 days***, 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 BNSS/482 CrPC is accordingly **disposed of**.

(Avnish Saxena,J.)

March 19, 2026

Shivangi