



2026:AHC:55306

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 10733 of 2026

Devendra Kumar And 2 Others

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Sharda Prasad Mishra, Subhash Chandra Maurya
Counsel for Opposite Party(s)	: G.A.

Court No. - 78

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Sharda Prasad Mishra, Sri Subhash Chandra Maurya, learned counsel for the applicants appears and move the joint application for quashing of the charge sheet dated 27.06.2024 as well as summoning order dated 22.10.2024 and the entire criminal proceeding of Case No. 109427 of 2024 arising out of Case Crime No. 0046 of 2024, under Sections 376, 504, and 506 IPC, Police Station Gujaini, District Kanpur Nagar, inter alia, on the ground of compromise.
2. Learned A.G.A. has opposed the quashing as the matter pertains to rape, which cannot be compounded.
3. This Court by order dated 27.01.2026 has sent the compromise for verification. The order is reiterated underneath:-

"1. Sri Sharda Prasad Mishra, learned counsel for the accused-applicants appears and submits that the F.I.R. has been lodged by the opposite party no.2 on 21.02.2024 with the allegation of rape on false promise of marriage, which continued for more than six years. It is also alleged that the victim got pregnant and was aborted. He further submits that thereafter, there was marriage solemnized between the two on 18.02.2025. The certificate of registration of marriage is at page no.139. He submits that the parties do not want to continue with the case as they have married and settled in their life. He further submits that the applicant no.2 is paternal uncle of applicant. Hence, seeks

interference of this Court to quash the charge sheet, cognizance taking order and the proceedings of Case No.109427 of 2024, arising out of Case Crime No.0046 of 2024, under Sections 376, 504, 506 I.P.C., Police Station Gujaini, District Kanpur Nagar, interalia, on the ground of compromise.

2. Sri Ram Ji Ojha, learned counsel for the opposite party no.2 has filed the counter affidavit. The same is taken on record. He admits the factum of marriage between the applicant no.1 and opposite party no.2 and further submits that there is compromise between the parties and victim being married to applicant no.1 does not want to continue with the case.

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

5. 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".

6. 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.

7. 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.

8. 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.

9. 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.

10. In view of the above, the application under Section 528 B.N.S.S./482 Cr.P.C. is accordingly disposed of. "

4. In pursuance to the order of this Court, the court of Additional Civil Judge (Senior Division), Court No.5, Kanpur Nagar by means of order dated 17.02.2026 has verified the compromise entered into between the parties. The attested copy is at page no.46 of this application.

5. There is no point in getting the trial continued, when the parties have buried their differences as the star witness would not support the prosecution case.

6. Thus, the charge sheet and the proceeding arose out of case crime number mentioned above is hereby **quashed**. Consequently, the proceedings of trial also quashed.

7. The application u/s 528 BNSS is **allowed** accordingly.

March 18, 2026
Abhishek Sri.

(Avnish Saxena,J.)