



2026:AHC:55240

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 10806 of 2026

Vijay Kumar

.....Applicant(s)

Versus

State Of U.P. And 2 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Puneet Srivastava
Counsel for Opposite Party(s)	:	G.A., Rajesh Sharma

Court No. - 78

HON'BLE AVNISH SAXENA, J.

1. Sri Puneet Srivastava, learned counsel for the accused/applicant appears and submits that the FIR of enticement has been lodged by the brother of victim against the accused/applicant. The accused/applicant and victim have married as per Hindu rites and ceremonies. Presently the accused/applicant and victim are having a child. The trial is continuing and all the evidences are in his favour. He further submits that the statement of victim recorded under Section 164 CrPC also was in favour of the accused/applicant despite that the accused was charge sheeted. He submits that the accused/applicant, victim and informant have entered into compromise. Hence, he seeks interference of this Court.

2. Sri Rajesh Sharma, learned counsel for the opposite party nos. 2 and 3 (informant and victim) appears and admits the factum of marriage and compromise entered into between the parties.

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

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. 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.

7. 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.

8. 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.

9. For a period of ***sixty days***, the proceedings of Case No. 2220 of 2023 (State of U.P. Vs. Vijay Kumar) arising out of Case Crime No. 143 of 2023, under Sections 363, 366, 376 IPC and Section 3/4 POCSO Act, P.S. Atrauli, District Aligarh shall be kept in abeyance, if the compromise is filed and verified within stipulated period, otherwise, the trial court shall continue with the trial.

10. 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.

11. In view of the above, the application under Section 528 BNSS/482 CrPC is accordingly **disposed of**.

March 18, 2026

Abhishek Sri.

(Avnish Saxena,J.)