



2026:AHC:55115

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 10849 of 2026

Ravi Pratap Yadav

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Ram Pravesh Yadav, Shashank Kumar
Counsel for Opposite Party(s) : G.A.

Court No. - 78

HON'BLE AVNISH SAXENA, J.

1. Sri Ram Pravesh Yadav, learned counsel for the accused/applicant appears and submits that the FIR of rape on false promise of marriage has been lodged by the opposite party no.2 (victim). The relation between the two was consensual in nature, as the accused/applicant and victim were adult. He submits that the presently accused/applicant and victim have entered into compromise. Both of them have married separately. The text of compromise are in page no. 48 to 54 of the application, he seeks interference of this Court to quash the charge sheet and proceedings.

2. Sri Ravi Prakash Yadav, learned counsel for the opposite party no.2 appears and hands up the Vakalatnama, the same is taken on record. He admits the factum of separate marriage of accused/applicant and victim 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. On the point of rape on false promise of marriage, Hon'ble the Supreme Court in the case of **Shambhu Kharwar Vs. State of Uttar Pradesh and another** reported in **(2022 SCC OnLine SC 1032)** has held that the crucial issue which is to be considered is whether the allegations indicate that the accused had given a promise to the victim to marry is false at the inception, on the basis of which the victim was induced to have sexual intercourse. In this case it is found that the relation between the victim and accused was continuing from before her marriage, during the subsistence of marriage and after her divorce and therefore held that the relation was consenting and not an offence. Later on, in the case of **Prashant Vs. State of NCT of Delhi**

reported in **(2025) 5 SCC 764**, Hon'ble the Supreme Court held that a mere breaking of a relationship between a consenting couple cannot result in initiation of criminal proceedings. What was a consensual relationship between the parties at the initial stages cannot be given a colour of criminality when the said relationship does not fructify into a marital relationship. Whereas, in the case of **Rajnish Singh @ Soni Vs. State of U.P. and another** reported in **(2025) 4 SCC 197**, Hon'ble the Supreme Court considered long sexual relation of sixteen years during which they have resided as husband and wife is clear cut case of love affair and live-in relationship gone sour. In yet another case of **Kunal Chatterjee Vs. The State of West Bengal and another** decided by Hon'ble the Supreme Court on 29.07.2025 (SLP (Cri) No. 7004 of 2025), has held that the allegation of rape being committed by the accused when victim was minor and continued for years together is a case of absolutely no evidence other than the allegation in FIR.

5. In the case of **Madhukar and others Vs. State of Maharashtra and another** reported in **2025 SCC OnLine SC 1415** (relevant paragraphs 5, 6 and 7) Hon'ble Supreme Court has considered the power of High Court under Section 482 Cr.P.C. (under Section 528 B.N.S.S.) for quashing criminal proceedings in terms of compromise. It is held that inherent power must be exercised in reference to the facts of each case. It is further observed that the offence under Section 376 IPC undoubtedly is of grave and heinous nature and ordinarily quashing of proceedings involving such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly. With the same conviction, on the other hand, held that the power of Court under Section 482 Cr.P.C. is to secure the ends of justice is not constrained and must be exercised with reference to the facts of each case. This observation has been made when the parties have resolved their disputes amicably and desirous of moving on in their life and the FIR is the result of same reactionary effect. In such circumstances, Hon'ble the Supreme Court has held that the continuation of the trial would not serve any meaningful purpose, on the contrary, it would only prolong the distress for all concerned, specially the complainant and burden the Court without the likelihood of a productive outcome.

6. It is an admitted fact placed by the learned counsel for parties that both the accused and victim are adults and well aware of their decision and moving of in life after burying their hatches.

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. 945 of 2023 (State Vs. Ravi Pratap Yadav) arising out of Case Crime No. 24 of 2022, under Sections 376, 452, 504 and 506 IPC, P.S. Line Bazar, District Jaunpur 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.)