



2026:AHC:56981

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 11061 of 2026

Mohd Rehan Alias Mohd Sadik

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Amit Kumar Chauhan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 78

HON'BLE AVNISH SAXENA, J.

1. Sri S.K. Tiwari, learned advocate, holding the brief, appears for the appellant, submits that the F.I.R. of rape has been lodged by the uncle of victim. He submits that the victim herself in her statement under Section 164 CrPC has stated that she is in love with the accused-applicant. He has drawn the attention of this Court towards the compromise entered into between the parties, which is at page no.62 of this application. He submits that there is a disclosure in that compromise that the nikahnama between the accused-applicant and victim was solemnized on 10.9.2025. He further submits that presently, the victim, informant and accused do not want to continue with the criminal case, as they have entered into nuptial ties. He further submits that the compromise has been moved before the trial court, which was rejected as the offence is not compoundable. Hence, he seeks interference of this Court to quash the charge sheet dated 09.05.2024, cognizance order dated 10.07.2024 and the entire proceedings of Special Sessions Trial No.145 of 2024 (State Vs. Mohd. Rehan alias Mohd. Sadik), arising out of Case Crime No.141 of 2024, under Sections 376 IPC and 3/4 of POCSO Act, Police Station Shahganj, District Jaunpur, pending before the court of Additional Sessions Judge/POCSO-I Jaunpur, inter alia, on the ground of

compromise.

2. There is no point in issuance of notice to opposite party no.2, as the informant/victim are the author of compromise.

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

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

5. 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.

6. 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".

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

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

(Avnish Saxena,J.)

March 19, 2026

Shivangi