



2026:AHC:57777

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 11137 of 2026

Shanidayal @ Anshu And Another

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Km. Khushi
Counsel for Opposite Party(s)	:	G.A., Sanju Yadav

Court No. - 78

HON'BLE AVNISH SAXENA, J.

1. Shri Yashwant Pratap, learned Advocate, holding the brief appeared for accused applicants and submits that applicant no. 1 is the accused (husband) and applicant no. 2 is the victim (wife). He submits that the FIR of enticement has been lodged by the mother of victim on 20.06.2025. The accused applicant and victim have entered into marriage in the temple, the receipt of temple is at Page-39. This marriage was accepted by the family members. The mother of the victim who has lodged the FIR, has entered into compromise along with victim, which is at Page-59 of this application. Learned counsel submits that presently accused applicant and victim are residing together having a child. Hence, seeks interference of this Court to quash the charge sheet, summoning order and criminal proceeding arising out of Case Crime No. 274 of 2025, under Sections 137(2), 64(2) BNS, Section 5j(ii)/6 POCSO Act, pending before the court of Special Judge POCSO Act, Kushinagar, *inter alia* on the ground of compromise.

2. Learned A.G.A. for State submits no objection if the parties approach trial court to file compromise in the given circumstances.

3. None appeared for opposite party no. 2 and 3.

4. Ms. Sanju Yadav, learned counsel for opposite party no. 4 (Informant) appeared and admits the factum of marriage and compromise between the parties.

5. The Apex Court in 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 has observed 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 that the accused and victim are married. The circumstances could 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 **30 days**, which shall be verified by the trial court. The trial 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 of 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 above, the application under Section 528 B.N.S.S./482 Cr.P.C. is accordingly **disposed of.**

(Avnish Saxena,J.)

March 20, 2026

Sharad/-