



2026:AHC:54041

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 48509 of 2025

Arshad

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Dinesh Kumar Pandey
Counsel for Opposite Party(s)	:	Vinod Mishra, G.A.

Court No. - 78

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Dinesh Kumar Pandey, learned counsel for the applicant, Sri Vinod Mishra, learned counsel for the opposite party no.2 and learned A.G.A. for State.

2. Learned counsel for the applicant submits that the F.I.R. has been lodged by the father of the victim on 27.05.2017. The accused-applicant and victim have married. The parties including the informant have entered into compromise, which was sent for verification by order dated 05.12.2025. The parties have appeared before the trial court for verification of compromise, which has been verified by the trial court. He, therefore, seeks interference of this Court to quash the criminal proceeding of S.T. No.08 of 2025 (State Vs. Arshad), arising out of Case Crime No.0254 of 2017, under Sections 363, 366, 376 I.P.C. and Section 3/4 of POCSO Act, Police Station Hayat Nagar, District Sambhal, pending before Special Judge (POCSO Act)/Additional Sessions Judge, Sambhal situated at Chandausi, inter alia, on the ground of compromise.

3. Learned A.G.A. has opposed the quashing as the matter pertains to rape, which cannot be compounded.

4. Learned counsel for the opposite party no.2 (informant) has admitted the factum of marriage between the accused-applicant and victim and compromise between the parties, which is duly verified by the trial court.

5. This Court by order dated 05.12.2025 has sent the compromise for

verification considering that the victim and accused/applicant have entered into matrimonial alliance. The relevant paragraphs of the order is reiterated underneath:-

"1. Sri Dinesh Kumar Pandey, learned counsel for the accused-applicant appears and submits that the FIR has been lodged by father of victim for enticement. The victim and applicant are married. The Nikahnama is at page no. 22. He submits that the two are residing as husband and wife having children. Further submits that the father as well as victim has entered into compromise, which he will file before the trial court. Hence seeks interference of this Court.

2. Learned AGA is present for the State.

3. Issue notice to opposite party no.2 returnable at an early date.

4. List on 12.02.2026 amongst top ten cases.

5. In the meantime, the parties may exchange affidavits.

6. The parties may appear before the trial court and file the compromise entered into between the parties, which shall be verified by the trial court. The trial court may return the certified copy of compromise, keeping the original in the record, to this Court at an early date.

7. Considering the marriage between accused-applicant and victim and compromise entered between the parties, the further proceeding of Special Sessions Trial No. 08 of 2025 (State Vs. Arshad), arising out of Case Crime No. 0254 of 2017, under Sections 363, 366, 376 IPC and Section 3/4 POCSO Act, P.S. Hayat Nagar, District Sambhal shall remain stayed."

6. In pursuance of the aforesaid order, the court of Special Judge (POCSO Act)/Additional Sessions Judge, Sambhal situated at Chandausi has

submitted the letter dated 12.12.2025, wherein the compromise entered into between the informant, victim and accused-applicant has been verified on 11.12.2025.

7. Learned counsel for the opposite party no.2 has admitted the factum of compromise and its verification between the parties and further submits that the accused-applicant and victim are residing as husband and wife.

8. 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".

9. The Apex Court in another 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.

10. 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.

11. 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.

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

(Avnish Saxena,J.)

March 17, 2026

Shivangi