Surendra Kumar @ Surendra Verma vs The State Of U.P. Thru. The Prin. Secy. ... on 31 January, 2025

Author: Saurabh Lavania

Bench: Saurabh Lavania

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:6754

Court No. - 12

Case :- APPLICATION U/S 482 No. - 901 of 2025

Applicant :- Surendra Kumar @ Surendra Verma

Opposite Party :- The State Of U.P. Thru. The Prin. Secy. Deptt. Of Home, Lko. And Anoth

Counsel for Applicant :- Sachin Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania.J.

- 1. Short counter affidavit filed by Sri Dinesh Kumar Mishra, Advocate alongwith Vakalatnama on behalf of the opposite party No. 2/victim in the Court today is taken on record.
- 2. The applicant and victim/opposite party No.2 are present before this Court. The applicant has been identified by his counsel SriSachin Tiwari, Advocate whereas opposite party No.2/victim has been identified by SriDinesh Kumar Mishra, Advocate.

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3. Heard learned counsel for the parties and perused the record.

4. Instant application has been filed by the applicant seeking following main relief:

"For the facts, reasons and circumstances stated in the accompanying Affidavit, it is most respectfully prayed that this Hon'ble court may kindly be pleased to quash/set-aside the entire proceedings of Sessions Trial No. 1315/2021 (State Versus Surendra Verma) pending in the court of learned Additional Sessions Judge-Second, Pratapgarh initiated in pursuance of the impugned charge sheet dated 14.8.2021 arising out of Case Crime No.260/2021, Under Section 376 IPC, Police Station-Kandhai, District- Pratapgarh (as contained in Annexure No.1 to this petition) in terms of the compromise deed dated 21.1.2025 in the interest of justice.

It is further prayed that this Hon'ble Court may kindly be pleased to stay the further proceedings of Sessions Trial No.1315/2021 (State Versus Surendra Verma) pending in the court of learned Additional Sessions Judge-Second, Pratapgarh initiated in pursuance of the impugned charge sheet dated 14.8.2021 arising out of Case Crime No.260/2021, Under Section- 376 IPC, Police Station-Kandhai, District- Pratapgarh, during pendency of the instant petition in the interest of justice."

- 5. It is stated that a perusal of allegations levelled against the applicant in the FIR lodged by the opposite party No. 2/complainant/victim, aged about 23 years at the time of lodging of FIR i.e. on 31.07.2021, the applicant on the pretext of false promise of marriage, established physical relations with the victim and accordingly the present case of the applicant is squarely covered by the judgment(s) of Hon'ble Apex Court rendered in the case of Sonu alias Subhas Kumar Vs. State of U.P., 2021 SCC OnLine SC 181; Deepak Gulati vs. State of Haryana (2013) 7 SCC 675 and Shambhu Kharwar Vs. State of U.P. and Another, 2022 SCC OnLine SC 1032 and being so the proceedings in issue are liable to be interfered by this Court.
- 6. It is further stated that in fact the FIR was lodged by the opposite party No. 2/victim only to pressurize the applicant and his family members, for solemnizing the marriage and during the pendency of pending criminal proceedings against the applicant the better sense prevailed and parties settled the dispute and now the opposite party No. 2/victim does not want to continue with the case.
- 7. It is also stated that both the parties have amicably settled their dispute outside the Court and have entered into a compromise and a copy of compromise deed, duly signed by the parties, is annexed as Annexure No. 6 to the present application and according to the said compromise, the opposite party No. 2/victim does not want to continue with the criminal proceedings.
- 8. Upon consideration of the aforesaid as also the observations on the issue related to establishing physical relationship on assurance of marriage made in the judgment(s) of Hon'ble Apex Court rendered in the case of Sonu alias Subhas Kumar (supra); Deepak Gulati (supra) and Shambhu Kharwar (supra) and present age of the opposite partyNo. 2/victim i.e. about 27 years, this Court is of the view that interference in the matter is required as no fruitful purpose would be served in keeping the proceedings pending before the trial court in view of the aforesaid including the nature

of relationship between the applicant and the opposite partyNo. 2/victim as also that if this Court declines to interfere in the matter then in that eventuality the future prospects of the opposite partyNo. 2/victim would be affected as also the observations made by Apex Court in the case of State of Karnataka Vs. L. Muniswamy and Others, 1977 (2) SCC 699; State of Haryana Vs. Bhajan Lal and Others, 1992 Supp (1) SCC 335; Prashant Bharti Vs. State (NCT of Delhi), (2013) 9 SCC 293; Rajiv Thapar and Ors. Vs. Madan Lal Kapoor, (2013) 3 SCC 330; Ahmad Ali Quraishi and Ors. Vs. State of Uttar Pradesh and Ors. (2020) 13 SCC 435, according to which inherent power under Section 482 Cr.P.C. (akin to Section 528 BNSS, 2023) could be exercised to prevent abuse of process of any Court or otherwise to secure ends of justice, as also in the case of Ramgopal and others Vs. State of Madhya Pradesh, (2022) 14 SCC 531, Gian Singh Vs. State of Punjab [2012 10 SCC 303], Mohd. Ibrahim Vs. State of U.P., 2022 SCC Online ALL 106, Gold Quest International Ltd. Vs. State of Tamilnadu, 2014 (15) SCC 235, B.S. Joshi Vs. State of Haryana, 2003 (4) SCC 675, Jitendra Raghuvanshi Vs. Babita Raghuvanshi, 2013(4) SCC 58, Madhavarao Jiwajirao Scindia Vs. Sambhajirao Chandrojirao Angre, 1988 1 SCC 692, Nikhil Merchant Vs. C.B.I. and another, 2008(9) SCC 677, Manoj Sharma Vs. State and others, 2008(16) SCC 1, State of M.P. Vs. Laxmi Narayan and others, 2019(5) SCC 688, Narindra Singh and others Vs. State of Punjab and another, (2014) 6 SCC 466, Manoj Kumar and others Vs. State of U.P and others (2008) 8 SCC 781, Union Carbide Corporation and others Vs. Union of India and others (1991) 4 SCC 584, Manohar Lal Sharma Vs. Principal Secretary and others (2014) 2 SCC 532 and Supreme Court Bar Association Vs. Union of India (1998) 4 SCC 409, according to which, in given facts, based upon the settlements between the parties the criminal proceedings can be quashed, this Court is of the view that entire criminal criminal proceedings arising out of Case Crime No.260/2021, quoted above, are liable to be quashed. Accordingly are hereby quashed.

9. Accordingly, the present application is allowed.

10. Office/Registry is directed to send the copy of this order to the court concerned through email/fax for necessary compliance.

Order Date :- 31.1.2025 Arun/-