

# **Pradeep Kumar Verma @ Pradeep Verma vs State Of U.P. Thru. Prin. Secy. Home Lko ... on 3 March, 2025**

**Author: Saurabh Lavania**

**Bench: Saurabh Lavania**

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:12723

Court No. - 12

Case :- APPLICATION U/S 482 No. - 1255 of 2025

Applicant :- Pradeep Kumar Verma @ Pradeep Verma

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko And 4 Others

Counsel for Applicant :- Seema Kashyap,Pradeep Kumar,Ram Kishan

Counsel for Opposite Party :- G.A.,Deepansi

Hon'ble Saurabh Lavania,J.

1. The affidavit in response to the instant application filed by opposite party no.2/informant is taken on record.
2. Heard learned counsel for the applicant, learned A.G.A. for the State of U.P. and Shri Deepansi, learned counsel for the opposite party no.2.
3. The present application has been filed with following main prayer:

"to quash the impugned Charge Sheet No.0398/2022, dated 06.11.2022 in Case No.447/2023 (State V/s Pradeep Kumar Verma), in Case Crime No.0105/2021, Under Section 363, 366, 376(3) IPC and section 3/4 POCSO Act against the Petitioner, pending in the court of Additional Sessions Judge, POCSO Act,

District-Shrawasti including entire proceedings initiated in pursuance thereof, contained in Annexure No.1 to the Petition."

4. It is stated that the opposite party no. 2/informant, being annoyed with the relationship of the applicant and the opposite party no. 5/victim, who on her own volition left her parental house on 05.05.2021 and accompanied the applicant to District - Bahraich and thereafter to District - Lucknow, where the opposite party no.5/victim solemnized marriage with the applicant on 05.05.2021, lodged an FIR on 14.05.2021, registered as Case Crime No. Case Crime No.0105/2021 at Police Station - Malhipur, District - Shrawasti, under Sections 363 of Indian Penal Code, 1860 (in short "IPC") making allegations therein to attract the offence under Sections 363 IPC against the applicant/Chandrika Prasad.

5. It is also stated that after investigation in the matter, the Investigating Officer filed the charge-sheet, under Sections 363, 366, 376(3) IPC and Sections 3 and 4 of Protection of Children from Sexual Offences Act, 2012 in Case Crime No. 0105/2021 (Supra) against the applicant.

6. It is also stated that during investigation the statement(s) of the victim under Section(s) 161 and 164, respectively were recorded. From a perusal of these statements, it is apparent that the applicant and the opposite party no. 5/victim were in affair and the opposite party no. 5/victim was adamant to solemnize the marriage with the applicant, and the opposite party no. 2/informant and the family members of the opposite party no. 5/victim were opposing the same and therefore, she left her parental house on her own volition and accompanied the applicant there from to Bahraich and thereafter to Lucknow and at Lucknow, the applicant and the opposite party no. 5/victim solemnized the marriage. on 05.05.2021

7. It is also stated that out of wedlock of the applicant and the opposite party no. 5/victim, a male child has been born, which is evident from paragraph 5 of the counter affidavit filed by the opposite party no. 2, which is taken on record.

8. It is also stated that the opposite party no. 5/victim in her statement under Sections 161 and 164 Cr.P.C. has declared her age as eighteen years.

9. It is also stated that on the issue of age, the document on which the prosecution is placing reliance is liable to be ignored in view of the aforesaid facts of the case as also that after due medical examination concerned doctor opined that the opposite party no. 5/victim is about 18-19 years old and further, the prosecution has no evidence to establish the age of the victim on which prosecution is placing reliance and as such taking note of these facts of the case, the benefit of the various pronouncements/judgments related to determination of age including the case(s) passed by the Hon'ble Apex Court Birad Mal Singhvi Vs. Anand Purohit, reported in (1988) Supp SCC 604, State of Punjab Vs. Gurmit Singh, reported in (1996) 2 SCC 384, Suhani Vs. State of U.P. delivered on 26.04.2018 in Civil Appeal No.4532 of 2018 arising out of SLP(C) No.8001 of 2018 and in the case of Manak Chand alias Mani Vs. State of Haryana, reported in 2023 SCC OnLine SC 1397, shall be extended in favour of the applicant and the opposite party no.5/victim and minor child of both.

10. It is also stated that the opposite party no. 2/informant also does not want to continue with the pending criminal proceedings and this fact is evident from the Annexure No. 10 to the instant application which is original deed of compromise signed by the opposite party no. 2/informant, as also the affidavit of the the opposite party no. 2/informant filed today.

11. It is also stated that in view of the aforesaid, the proceedings in issue against the applicant is liable to interfered/set aside/quashed else matrimonial life of opposite party no. 5/victim and the applicant as also the future of newly born child would be ruined.

12. Upon consideration of the aforesaid as also the observations in relation to determination of age rendered in the case of Birad Mal Singhvi (Supra), Gurmit Singh (Supra), Suhani (Supra) and Manak Chand alias Mani (Supra) as also the submissions made by learned Counsel for the parties 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, and also the observations made by Apex Court 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 proceedings arising out of Case Crime No. 447/2023, quoted above, are liable to be quashed. Accordingly are hereby quashed and the instant application is allowed.

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

Order Date :- 3.3.2025/Mohit Singh/-