

Court No. - 12

Case :- APPLICATION U/S 528 BNSS No. - 83 of 2025

Applicant :- Devendra Kumar Tiwari

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

Counsel for Applicant :- Aman Thakur

Counsel for Opposite Party :- G.A.,Kaushal Kumar

Hon'ble Saurabh Lavania,J.

1. Heard learned counsel for the applicant, learned counsel for opposite party no.2, learned AGA for the State and perused the material available on record.

2. The present application has been filed by the applicants for the following main relief(s):-

"(a) Allow this application preferred under section 528 Bhartiya Nagrik Suraksha Sanhita, 2023 erstwhile section 482 Cr.P.C. for Compounding of the alleged offence arising out case crime no. 620/2024 under section 69, 352, 351(2) Bhartiya Nyay Sanhita, 2023 and Section 3(d), 3(e) and 3(2) (v) of Prevention of Atrocities against Schedule caste and Schedule Tribes Act, 1989 dated 23.10.2024 and the Charge sheet dated 4/12/2024 filed under Section 193 of Bhartiya Nagrik Suraksha Sanhita, 2023, police station- Para, Lucknow.

(b) Direct the trial court to accept the agreement/ settlement deed between the applicant and the Informant/ Complainant.

(c) Quash/ Set aside the entire proceedings arising out of case crime no. 620/2024, State of Uttar Pradesh Vs Devendra Kumar Tiwari pending against the applicant before the Learned Special Judge, Prevention of Atrocities, Act 1989, Lucknow."

3. Applicant/Devendra Kumar Tiwari and victim/opposite party no.2 are present before this Court. The applicant has been identified by Sri Aman Thakur, Advocate, whereas victim/opposite party no.2 has been identified by Anarsh Verma, Advocate.

4. It is stated that a perusal of allegations levelled against the applicant in the FIR lodged by the victim/opposite party no.2, on 23.10.2024, would indicate that 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.**

5. It is also stated that on account of some dispute the marriage of the applicant with victim/opposite party no.2 could not be solemnized and therefore the FIR was lodged by the victim/opposite party no.2 making allegations to attract offence under Sections under section 69, 352, 351(2) Bhartiya Nyay Sanhita, 2023 and Section 3(d), 3(e) and 3(2) (v) of Prevention of Atrocities against Schedule caste and Schedule Tribes Act, 1989

6. It is also stated that during the pendency of the case before the trial Court said dispute between the parties at the instance of some relatives of the applicant and the victim/opposite party no.2 has been resolved.

7. It is further stated that the victim/opposite party no.2 has married to applicant on 17.01.2025, as is evident from Annexure No.4, which is certificate of registration of marriage, and both are living peacefully in their matrimonial life and, therefore, victim/opposite party no.2 does not want to continue with the pending criminal proceedings. Prayer is to allow the instant application and quash the criminal proceedings in issue.

8. Upon consideration of the aforesaid including allegations levelled in FIR against the applicant as also the statements of victim/opposite party no.2 as also the observations on the issue related to establishing physical relationship on assurance of solemnizing 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 also the fact that the applicant and victim/opposite party no.2 have now married each other, 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 victim/opposite party no.2 as also that if this Court declines to interfere in the matter then in that eventuality the matrimonial life of the applicant and victim/opposite party no.2 would be

affected/ruined 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 no purpose would be served in keeping the proceedings pending before the trial court. Accordingly, present application is ***allowed***. Consequently, the entire proceedings in issue, quoted above in prayer clause, are hereby ***quashed***.

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

Order Date :- 7.3.2025

Anand/-