



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 8276 of 2026

Ashish Saini

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Anand Pati Tiwari
Counsel for Opposite Party(s) : G.A.

Court No. - 78

HON'BLE AVNISH SAXENA, J.

1. Sri Akhilesh Kumar, learned advocate, holding the brief appears for the accused-applicant submits the F.I.R. of enticement has been lodged by the mother of the victim. He submits that in the statement of victim recorded under Section 183 BNSS, the victim herself stated that she is a consenting party. The same is conceded by the learned A.G.A. The learned counsel has drawn the attention of this Court towards the compromise, which is at page no.41 of this application.
2. Learned A.G.A. for the State seeks time to file counter affidavit.
3. Issue notice to opposite party no.2 returnable at an early date.
4. None appeared for opposite party nos.3 and 4.
5. List on 20.04.2026.
6. In the meantime, the parties may exchange affidavits.
7. 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"*.

8. 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.

9. Considering the judgments of Hon'ble the Supreme Court in the cases as mentioned above, further proceedings of Session Case No.07 of 2026 (State of U.P. Vs. Ashish Saini), arising out of Case Crime No.1030 of 2025, under Sections 64(1), 318(4) BNS and 5L/6 of POCSO Act, Police Station Khurja, Nagar, District Bulandshahr, pending before the court of (POCSO Act), Bulandshahr, is stayed.

(Avnish Saxena,J.)

March 16, 2026

Shivangi