



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 7797 of 2025

Vijendra And 4 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Arvind Kumar Sahu, Praveen Kumar
Srivastava

Counsel for Opposite Party(s) : G.A.

Court No. - 80

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State-opposite party no.1.

2. Present application under Section 528 B.N.S.S. has been preferred for quashing the entire criminal proceeding of Session Case No. 1436 of 2024, (State Vs. Vijendra and others) arising out of crime no. 183 of 2024, under Sections 363, 366, 376(3) I.P.C. and 3/4 (2) POCSO Act, Police Station Gariya Rangan, District Shahjahanpur, pending before the Additional District and Session Judge Court No. 43, Shahjahanpur, and charge sheet dated 14.08.2024 as well as cognizance order dated 24.12.2024.

3. It is submitted by learned counsel for the applicant that a false FIR was lodged against the applicants. The victim did not level any allegation against the applicants when her statements were recorded under Sections 161 Cr.P.C. and 164 Cr.P.C. She stated that she had left her house of her own free will on 20.03.2024 and joined the company of applicant no. 1. Thereafter, they went to the Allahabad High Court, and their marriage was solemnized. She expressed her desire to live with applicant no. 1. A similar statement was made by the victim when she was produced before the learned Magistrate. She further stated that no untoward incident had taken place with her. It is further submitted that applicant no. 1 and the victim are now living together as husband and wife under the same roof.

4. Per contra, learned A.G.A. opposed the prayer and submitted that the victim was a minor girl at the time of the incident and, therefore, her consent is meaningless.
5. Matter requires consideration.
6. Issue notice to opposite party no.2/ first informant, returnable at an early date.
7. The opposite parties may file their counter affidavit within four weeks.
8. Rejoinder affidavit, if any, may thereafter be filed within two weeks.
9. List thereafter.
10. Till the next date of listing, further proceedings of the aforesaid case shall remain stayed against the applicants only.

(Vivek Kumar Singh,J.)

May 12, 2026
Radhika