



2026:AHC:54861

## HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 10724 of 2026

Hajrat Ali

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite  
Party(s)

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|-------------------------------|---|-----------------------|
| Counsel for Applicant(s)      | : | Mohd. Shahanshah Khan |
| Counsel for Opposite Party(s) | : | G.A.                  |

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**Court No. - 78**

**HON'BLE AVNISH SAXENA, J.**

1. Mohd. Shahanshah Khan, learned counsel for the accused/applicant appears and submits that the FIR of enticement has been lodged by the father of victim. The accused/applicant and victim have performed interfaith marriage. Presently the victim is married with the accused/applicant and having children. He submits that the parties have jointly filed an affidavit to move the present application. He further submits that the informant does not want to continue with the case as the marriage ties between the accused/applicant and victim. Hence, he seeks interference of this Court.

2. Mohd. Sadab Khan, learned counsel for the opposite party no.2 (informant) appears and hands up the Vakalatnama, the same is taken on record. He admits the marriage between the accused/applicant and victim and compromise entered into between the parties.

3. Learned AGA for the State submits no objection if the parties approach trial court to file compromise in the given circumstances.

4. The Apex Court in the 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.

5. Even in the cases of POCSO Act, 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"*.

6. It is an admitted fact placed by the learned counsel for the parties that the accused and victim are married. The facts of the case present case is to be looked in the light of above judgment.

7. Whether the parties (informant, victim and accused) have entered into compromise, can best be adjudicated by the trial court. As such, the parties may appear before the trial court and file the compromise entered into between the parties within **thirty days**, which shall be verified by the trial court. The trial court shall place the original in its record.

8. No compromise shall be entertained by the trial court if the informant, victim and accused are not signatories and appear before the court for its verification. In case of exigency, the trial court shall apply its mind and pass appropriate order.

9. For a period of **sixty days**, the proceedings of Sessions Trial No. 265 of 2022 arising out of Case Crime No. 154 of 2021, under Sections 363, 366, 376 IPC and Section 3/4 POCSO Act, P.S. Madihan, District Mirzapur shall be kept in abeyance, if the compromise is filed and verified within stipulated period, otherwise, the trial court shall continue with the trial.

**10. All the parties, who files compromise and get it verified shall then file a joint application invoking inherent power of this Court to quash the criminal proceeding.**

11. In view of the above, the application under Section 528 BNSS/482 CrPC is accordingly **disposed of**.

**(Avnish Saxena,J.)**

**March 18, 2026**  
Abhishek Sri.