

(2025) 12 UK CK 0047

Uttarakhand HC

Case No: Criminal Miscellaneous Application No. 1430 OF 2025

Aryan Kumar

APPELLANT

Vs

State Of Uttarakhand And
Another

RESPONDENT

Date of Decision: Dec. 8, 2025

Acts Referred:

- Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 528
- Indian Penal Code, 1860 - Section 376

Hon'ble Judges: Alok Kumar Verma, J

Bench: Single Bench

Advocate: Priya Mewari, Chitrarth Kandpal, Ravindra Singh Rawat

Final Decision: Allowed

Judgement

Alok Kumar Verma, J

1. This Application has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing the entire proceedings of Criminal Case No.97 of 2024, "State vs. Aryan Kumar", pending before the court of Judicial Magistrate, Kashipur, District Udham Singh Nagar under Section 376 of the Indian Penal Code, 1860.
2. According to the First Information Report dated 19.03.2023, the applicant had established physical relations with the respondent - informant, aged about 25 years, on the pretext of marriage.
3. Ms. Priya Mewari, learned counsel for the applicant.
4. Mr. Chitrarth Kandpal, learned Brief Holder for the respondent no.1.
5. Mr. Ravindra Singh Rawat, learned counsel for the respondent no.2-informant.

6. The applicant and the respondent no.2 are present in-person before this Court.

7. Applicant is identified by Ms. Priya Mewari, Advocate and the respondent no.2 is identified by Mr. Ravindra Singh Rawat, Advocate.

8. The respondent no.2 has stated that at the time of the lodging the First Information Report, her age was 25 years. She does not want to proceed with the said criminal case.

9. The applicant and the respondent no.2 submitted that now, they are living peacefully and in harmony. They have filed a Compounding Application (IA No.3 of 2025) and affidavits with their free will and without any pressure. The respondent no.2 has requested to quash the entire proceedings of the said Criminal Case No.97 of 2024.

10. Learned counsel for the respondent no.1 has opposed the said request on the ground that Section 376 of the Indian Penal Code, 1860 is non-compoundable offence.

11. Though this Court would normally be hesitant to quash the proceedings under Section 376 of the Indian Penal Code, 1860, but, it is noticed that the applicant and respondent no.2 - informant are living peacefully and in harmony and the respondent no.2 does not want to proceed with the matter. In these circumstances, in case, the proceedings are allowed to continue, it would amount to denial of complete justice to the parties. Therefore, it is a case, in which the inherent jurisdiction of this Court should be exercised to do real and substantial justice.

12. Therefore, ends of justice would be met if the entire proceedings of Criminal Case No.97 of 2024, "State vs. Aryan Kumar", pending before the court of Judicial Magistrate, Kashipur, District Udham Singh Nagar under Section 376 of the Indian Penal Code, 1860, are quashed.

13. Resultantly, the present Application, filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is allowed and entire proceedings of Criminal Case No.97 of 2024, "State vs. Aryan Kumar", pending before the court of Judicial Magistrate, Kashipur, District Udham Singh Nagar under Section 376 of the Indian Penal Code, 1860, are hereby quashed.