

(2025) 12 UK CK 0048

Uttarakhand HC

Case No: Criminal Miscellaneous Application No. 1985 Of 2025

Abhishek Vishwakarma

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision: Dec. 8, 2025

Acts Referred:

- Indian Penal Code, 1860 - Section 376
- Protection Of Children From Sexual Offences Act, 2012 - Section 5(j)(ii)(I), 6
- Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 528
- Uniform Civil Code Rules, Uttarakhand, 2025 - Rule 7(1)(g)

Hon'ble Judges: Alok Kumar Verma, J

Bench: Single Bench

Advocate: Manoj Bhatt, Pratrioop Pandey, Mani Kumar

Final Decision: Allowed

Judgement

Alok Kumar Verma, J

1. This Application has been filed for quashing the entire proceedings of Special Sessions Trial No.42 of 2024, "State of Uttarakhand vs. Abhishek Vishwakarma", pending before the court of Sessions Judge/ Special Judge (POCSO Act), Champawat under Section 376 of the Indian Penal Code, 1860 (in short, "IPC"), Section 5(j)(ii)(I) read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 (in short, "Act, 2012").

2. Mr. Manoj Bhatt, learned counsel for the applicant.

3. Mr. Pratiroop Pandey, learned Assistant Government Advocate for the respondent no.1.

4. Mr. Mani Kumar, learned counsel for the respondent no.3-victim.

5. Applicant is present in-person. He is identified by Mr. Manoj Bhatt, Advocate.

6. The respondent no.3 is present in-person. She is identified by Mr. Mani Kumar, Advocate.

7. As per the prosecution, the date of birth of the applicant is 17.07.2004 and the date of birth of the respondent no.3 - victim is 13.09.2007.

8. The applicant and the respondent no.3 have submitted that they got married on 02.10.2025 and their marriage has been registered under Rule 7(1)(g) of the Uniform Civil Code Rules, Uttarakhand, 2025 (Annexure no.4). Applicant and the respondent no.3 further submitted that they have a female child. They have filed a Compounding Application (IA No.1 of 2025) and affidavits with their free will and without any pressure. The respondent no.3 has requested to quash the entire proceedings of the said Special Sessions Trial No.42 of 2024.

9. Learned counsel for the respondent no.1 has opposed the said request on the ground that the offences are non-compoundable.

10. Though this Court would normally be hesitant to quash the proceedings under Section 376 IPC and the proceedings under the Act, 2012, but, it is noticed that the applicant and respondent no.3 - victim got married and they are living peacefully with their female child. 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.

11. Therefore, ends of justice would be met if the entire proceedings of the Special Sessions Trial No.42 of 2024, "State of Uttarakhand vs. Abhishek Vishwakarma", pending before the court of Sessions Judge/ Special Judge (POCSO Act), Champawat, are quashed.

12. Resultantly, the present Application, filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is allowed and the entire proceedings of the Special Sessions Trial No.42 of 2024, "State of Uttarakhand vs. Abhishek Vishwakarma", pending before the court of Sessions Judge/ Special Judge (POCSO Act), Champawat, are hereby quashed.