



2026:UHC:1132

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>C528 No.217 of 2026 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Faizan Ali, Advocate for the applicant. Mr. Pradeep Lohani, Brief Holder for the State of Uttarakhand. Mohd. Safdar, Advocate for respondent no.2.</p> <p>2. Present C-528 application is filed with the prayer to set-aside/quash the charge sheet dated 30.12.2022, summoning order dated 23.01.2023 and the entire proceedings of S.S.T. No.101 of 2023, pending in the Court of learned F.T.C./Special Judge (POCSO)/Additional Sessions Judge, Udham Singh Nagar on the basis of compromise between the parties.</p> <p>3. Compounding application (I.A. No.1 of 2026) is also filed in the matter wherein it is prayed to compound the offence between the parties.</p> <p>4. Parties appeared before this Court virtually, who are duly identified by their respective counsel. Parties have also filed their respective affidavits stating the facts of compromise between them.</p> <p>5. Learned counsel for the applicant submits that on the date of lodging of the F.I.R. by the father of respondent no.3, the respondent no.3 was above 17 years of age and was competent to understand the nature and consequences of her actions. It is further submitted that the relationship between the applicant and respondent no.3 was consensual in nature. Learned counsel adds that subsequent to the registration of the F.I.R., the parties have solemnized their marriage of their own free will and are now</p>



			<p>residing together as husband and wife. It is also brought to the notice of this Court that respondent no.3 is presently carrying a pregnancy, and continuation of the criminal proceedings would adversely affect their matrimonial life and the well-being of the unborn child.</p> <p>6. Learned State Counsel vehemently opposed the compounding application.</p> <p>7. Hon'ble Supreme Court in a recent judgment has recognized that although the accused had committed a serious offence under the POCSO Act, the proceedings could not be quashed solely on compromise. However, the Court emphasized compassion and practicality, noting the accused and the victim were legally married and expecting a child. The Court observed the crime arose from love, not lust, and the victim wished to live peacefully with her husband. Continuing prosecution or imprisonment would disrupt the family unit. Balancing law with empathy, the Court quashed the proceedings, allowing the family to remain intact under appropriate safeguards.</p> <p>8. In the present case, as noticed hereinabove, the applicant and respondent no.3 have lawfully solemnized their marriage and are presently residing together as husband and wife. It has also been brought on record that respondent no.3 is carrying a pregnancy. The parties are cohabiting peacefully and leading a stable matrimonial life. 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.</p> <p>9. Following the aforesaid ratio, present compounding application is allowed. The offences between the parties are permitted</p>
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to be compounded. As a result, entire proceedings of S.S.T. No.101 of 2023, pending in the Court of learned F.T.C./Special Judge (POCSO)/ Additional Sessions Judge, Udham Singh Nagar are hereby quashed.

10. C-528 application stands disposed of.

(Alok Mahra, J.)

20.02.2026

Arpan