

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.2730 OF 2023
(Arising out of S.L.P.(CrI.) No.11289 of 2023
@ Diary No.48060 of 2018)

SACHIN ALIAS PINKU . . . **APPELLANT(S)**

VS.

STATE OF U.P. & ORS. . . . **RESPONDENT(S)**

O R D E R

Delay condoned.

2. Leave granted.

3. The documents placed on record show that the marriage between the appellant and the third respondent was solemnized on 23rd June, 1999. The counter affidavit filed by the third respondent records that the facts stated in the petition are correct and in fact there was a marriage and till date, the appellant and the third respondent are happily cohabiting together. Copies of the Pan Card and the Aadhar Card of the third respondent have been annexed to the counter affidavit in which third respondent is described as the wife of the appellant.

4. The First Information Report was filed at the instance of the second respondent wherein allegation was made of the offences punishable under Sections 363 and

366 of the Indian Penal Code against the appellant and co-accused Manoj. The third respondent is the niece of the second respondent-complainant. In 2004, the Trial Court discharged the co-accused Manoj.

5. The charge-sheet was filed on 11th July, 1999. The appellant filed a petition under Section 482 of the Code of Criminal Procedure, 1973 (CR.P.C.) before the High Court. By a very cryptic order, without recording reasons, on 13th July, 2016 the High Court rejected the petition.

6. We have heard the learned counsel appearing for the appellant, the learned counsel appearing for the respondent-State and the learned counsel appearing for the third respondent.

7. There is no dispute between the appellant and the third respondent that marriage between them was solemnized on 23rd June, 1999 and that they have two grown up children. As stated earlier, Aadhar Card and Pan Card of the third respondent show that the third respondent has described herself as the wife of the appellant.

8. The case is of the year 1999. The charge sheet was filed way back on 11th July, 1999. Thus, the hanging sword of the trial continues on the appellant for 24 years. From 23rd June, 1999 till date, the appellant and

the third respondent have been staying together as husband and wife.

9. Therefore, this was a fit case where the High Court ought to have exercised its jurisdiction under Section 482 CR.P.C. by quashing the charge sheet and the criminal case. No purpose will be served by compelling the appellant to undergo trial which will affect a well settled family of husband and wife and two grown up children.

10. Accordingly, the appeal succeeds. We set aside the impugned order dated 13th July, 2016 and quash the proceedings of Case No.748/9 of 1999 (now S.T.No.1240 of 2002) pending before the Court of F.T.C., Court No.4, Muzaffar Nagar, Uttar Pradesh.

11. The appeal is accordingly allowed.

.....J.
(ABHAY S.OKA)

.....J.
(PANKAJ MITHAL)

NEW DELHI;
September 05, 2023.

ITEM NO.18

COURT NO.7

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 48060/2018

(Arising out of impugned final judgment and order dated 13-07-2016 in APP No. 17713/2016 passed by the High Court of Judicature at Allahabad)

SACHIN ALIAS PINKU

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(IA No. 3647/2019 - CONDONATION OF DELAY IN FILING
IA No. 3649/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT
IA No. 3648/2019 - EXEMPTION FROM FILING O.T.)

Date : 05-09-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s)

Mr. Utkarsh Sharma, AOR
Mrs. Monika Chowdhary, Adv.

For Respondent(s)

Mr. Vishwa Pal Singh, AOR
Mr. Adesh Kr. Gill, Adv.
Mr. Sandeep Kumar, Adv.
Mr. Mohd. Alim Khan, Adv.
Mr. Prateek Rai, Adv.
Mr. Ashutosh Bhardwaj, Adv.

Ms. Rajeshri Nivuratirao Reddy, AOR
Ms. Shivani Jain, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications also stand disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER

(Signed order is placed on the file.)