



2026:AHC-LKO:43311-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**CRIMINAL MISC. WRIT PETITION No. - 5888 of 2026**

Pritesh Khare Alias Krishna

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy./Prin. Secy.  
Home Lko. And Others

.....Respondent(s)

Counsel for Petitioner(s) : Aviral Raj Singh, Aditya Vikram  
Singh, Mohd. Yasir, Mohd.Altaf  
Mansoor

Counsel for Respondent(s) : G.A.

**Court No. - 9**

**HON'BLE RAJESH SINGH CHAUHAN, J.**

**HON'BLE RAM MANOHAR NARAYAN MISHRA, J.**

1. Heard Mohd. Altaf Mansoor, learned counsel for the petitioner along with Sri Avral Raj Singh, Advocate, Sri Bipul Kumar Singh, learned State Counsel for the State respondents and Sri Ali Moid, Advocate who has filed 'Vakalatnama' on behalf of opposite party no. 6, same is taken on record.

2. Sri Bipul Kumar Singh, learned State Counsel has produced instructions in the matter, same is taken on record.

3. Sri Ali Moid has stated that he is a counsel for the mother of the victim who is aged about 17.5 years so he will also represent her.

4. By means of this petition the petitioner has prayed following relief :

*"(i) to issue a writ, order, or direction in the nature of Certiorari quashing the impugned First Information Report, registered by respondent No. 6, as Case Crime No.0203 of 2026, Under sections under sections 64 (1), 87, 137 (2) of the BNS and sections 5(j) (ii) and 6 of the POCSO Act, at Police Station-Chinhat, District-Lucknow, annexed as Annexure no.1 to the instant writ petition with respect to the petitioner herein;*

*[ii) to issue a writ, order, or direction in the nature of Mandamus,*

*commanding the Respondents not to proceed, prosecute, or arrest the petitioner on the basis of the impugned First Information Report, registered by respondent No. 6, as No.0203 of 2026, Under sections under sections 64 (1), 87, 137 (2) of the BNS and sections 5(j)(ii) and 6 of the POCSO Act, at Police annexed as Station-Chinhat, District-Lucknow, Annexure No. 1 to the writ petition, with respect to the petitioner herein; "*

5. Learned counsel for the petitioner has stated that the petitioner and opposite party no. 7 were on consensual relation and the petitioner was having bonafide impression that she is a major, therefore, they decided to get married. In such relation the victim / prosecutrix became pregnant and presently she is having pregnancy of about five months.

6. Sri Bipul Kumar Singh, learned State Counsel has submitted that he is having ultrasound report of the prosecutrix which verifies the version of Sri Altaf Mansoor, learned counsel for the petitioner.

7. Learned counsel for the petitioner has stated that after lodging the F.I.R. the petitioner himself appeared at the police station and was sent to the judicial custody, however, in compliance of the order dated 28.4.2026 passed in Habeas Corpus Writ Petition No. 141 of 2026 (Pritesh Khare alias Krishna vs. State of U.P. and others) he was released from jail. Sri Mansoor has further submitted that the relation of the petitioner with the prosecutrix has been accepted by the complainant who is mother of the prosecutrix and she is not willing to pursue the F.I.R. and contest the case against the petitioner as her daughter is having pregnancy of five months with the petitioner and as soon as her daughter attains majority, she shall solemnize the lawful marriage of her daughter with the petitioner.

8. It has also been submitted before the Court that the parties have entered into a compromise and the original copy of the compromise has been enclosed as Annexure no. 6. In para 11 of the aforesaid compromise the specific averment to that effect has been indicated.

9. Therefore, in the light of the aforesaid facts and circumstances Sri Mansoor, learned counsel for the petitioner has requested that in the aforesaid peculiar facts and circumstances the impugned F.I.R. may be set aside / quashed on the basis of compromise between the parties,

particularly in the light of the fact that the counsel for the complainant has also stated the same fact on the basis of specific instructions from the opposite party no. 6, the complainant. He has also submitted that if pursuant to the impugned F.I.R. the parties are compelled to participate in legal proceedings, the opposite party no. 7 who is prosecutrix shall suffer irreparable loss and injury inasmuch as being a pregnant lady / girl she would not be able to cooperate properly in the criminal proceedings. Sri Mansoor has submitted with responsibility that though he is aware of the fact that the marriage of a minor is not legally valid and if any relation of minor with major is established though it is consensual but is not acceptable in the eyes of law but in the given facts and circumstances the petitioner as well as opposite party no. 7 may be exempted to face the legal proceedings when the mother of the prosecutrix is agreeable to such proposition.

10. Attention has been drawn towards para 36 and 37 in re: ***Harmeet Singh vs. State of NGCT Delhi and another, 2026 SCC Online Del 1707*** wherein the Delhi High Court considering the dictum of Apex Court in similar facts and circumstances, issued following guidelines and order as under :

*"36. This court is of the view, that though quashing of criminal proceedings under the POCSO Act is not anathema to the law, such quashing demands careful and sensitive consideration of the fact situation. When examining a plea for quashing of an offence under the POCSO Act based on the consent of a de-juré victim, the court must carefully evaluate the reasons as to why the victim disclaims any loss or injury to her and must record its satisfaction inter-alia on the following aspects:*

*36.1. Based on the circumstances of a given case, the court must be satisfied that in granting a 'no-objection' to the quashing of criminal proceedings, the de-juré victim is genuinely acting on her own free will and volition and has not been misled, pressurised or deceived into offering such no-objection;*

*36.2. Whether the de-juré victim has taken a consistent stand in favour of closing the case from the inception of the criminal proceedings, and has disclaimed that she has suffered any loss or injury at the hands of the offender;*

*36.3. Whether the circumstances of the case justify an inference that the acts or omissions that the parties have indulged in, were volitional on the part of the de-juré victim;*

36.4. *Whether the marriage or other arrangement, based on which the offender and the de-juré victim are seeking closure of criminal proceedings, evokes confidence on the part of the court; or does it appear to be a ruse or stratagem of the offender to evade conviction and punishment;*

36.5. *Whether the parties have been living together as a family for a length of time; and whether children are born to the parties, whose future would also be impacted by a decision not to quash the criminal proceedings;*

36.6. *Whether the offender is alleged to have committed any violence or brutality on the de-juré victim; or has committed any other act or omission that points to the absence of genuine volition on the part of the de-juré victim; and if so, is there any medical and other forensic evidence to show such conduct on the offender's part;*

36.7. *What was the respective age of the offender and the de-juré victim at the relevant time; whether both were minor; and what are the ramifications of the relative age difference and minority;*

36.8. *This court would hasten to add, that the aforementioned considerations are only suggestive and far from exhaustive; and before quashing any criminal proceedings under the POCSO Act, the court must interact with the parties and arrive at a subjective satisfaction that the quashing of the case is warranted on larger considerations of justice and to prevent abuse of the process of law, as discussed above; and*

36.9. *Ultimately, the decision to quash criminal proceedings under the POCSO Act must be founded on the best interests of the de-juré victim and the children, if any, born from the union of the parties.*

37. *This court would be remiss if it did not answer as to how the view taken above falls within the ambit of the Supreme Court rulings in the celebrated cases of Gian Singh v. State of Punjab and Narinder Singh v. State of Punjab While in the said two verdicts, the Supreme Court has cautioned against the quashing of criminal proceedings relating to heinous offences regardless of any settlement between the victim or victim's family and the offender, at the same time, the Supreme Court, has also emphasized the following:*

*"61..... Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and*

*circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute..... In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.*

*(emphasis supplied)"*

11. Sri Bipul Kumar Singh, learned State Counsel has informed the Court that in the present case investigation is complete and charge-sheet has been sent to the supervisory authority, however, he is not aware as to whether the same has been filed before the court concerned or not.

12. Having heard learned counsel for the parties, having perused the material available on record and considering the peculiar facts and circumstances of the present case as well as the dictum of Delhi High Court in re: ***Harmeet Singh (supra)*** wherein various decisions of Supreme Court have been considered, we are of the considered opinion that though the relation of the prosecutrix with the petitioner are consensual but she was not major at the point of time when they established physical relation, however, with the aforesaid relation she became pregnant and she is carrying pregnancy of five months; parties have entered into a compromise wherein the complainant and prosecutrix have agreed that they will not pursue the F.I.R.; the petitioner shall marry with the prosecutrix by way of social marriage as and when the prosecutrix becomes major and noticing the fact that presently they are living together as husband and wife hence we find it proper that the impugned F.I.R. may be set aside / quashed as it would suffice the interest of justice of the parties. In the given facts and circumstances no fruitful purpose would be served if the charge-sheet sent to the court and

consequential orders are passed by the learned trial court, therefore, we hereby direct the Supervisory Authority not to proceed further on such charge-sheet as we have already observed that the impugned F.I.R. should be set aside / quashed.

13. Accordingly, the impugned F.I.R. bearing Case Crime No.0203 of 2026, Under sections under sections 64 (1), 87, 137 (2) of the BNS and sections 5(j) (ii) and 6 of the POCSO Act, at Police Station-Chinhat, District-Lucknow, annexed as Annexure no.1 to the instant writ petition is hereby *set aside / quashed*.

14. Writ petition is *allowed*.

15. The supervisory authority is directed not to proceed further on the charge-sheet as we have already set aside / quashed the impugned F.I.R. Even if the charge-sheet has been sent to the court, learned trial court shall not take cognizance of the charge-sheet and shall not proceed further.

16. However, the petitioner is directed to look after the prosecutrix properly and shall provide all necessary means and comfort which are necessary to a lady who is pregnant and carrying pregnancy with him.

**(Ram Manohar Narayan Mishra,J.) (Rajesh Singh Chauhan,J.)**  
**July 6, 2026**  
Om