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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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W.P.(CRL) 422/2018

RANJEET KUMAR MAHTO

..... Petitioner

Through: Mr. M. K. Parvez, Advocate with
Petitioner in person.

Versus

THE STATE GOVT OF NCT OF DELHI & ORS. Respondents

Through: Mr.Jamal Akhtar, counsel for
Mr.Rahul Mehra, Standing Counsel
with SI Azad Singh, PS Ranhola.
Mr. Santosh Kumar Suman and
Ms. Neetu Singh, Advocates for
Respondent No.3.
Respondent No. 2 in person.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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20.09.2018

The petitioner seeks quashing of FIR No.382/2016 dated 22.05.2016 registered on a complaint made by respondent No.3, the father of respondent No.2. According to the complainant, respondent No.2 was a minor and had been kidnapped by the petitioner. Therefore, according to him, cases under the POCSO Act, 2012 as well as under section 376 IPC would be maintainable against the petitioner.

The learned counsel for the petitioner referred to an order of this Court dated 12.12.2017, which granted bail to the petitioner after taking into consideration the Bone Ossification Test conducted by the Medical Board of the Deen Dayal Upadhyay Hospital, Delhi, which had concluded that the

estimated bone age of respondent No.2 was between 17 years to 20 years. Therefore, the benefit of the higher side of two years would be available to the respondent No.2 i.e. she would be deemed to be at least of 19 years old on the date of the incident i.e. when she was taken away by the petitioner and/or when her marriage was contracted with the petitioner. Subsequently, this Court by an order dated 22.1.2018 permitted the respondent No.2 to join the company of her husband – the petitioner. She is presently living with the petitioner and they have been blessed with a son. The parties have been identified by the Investigating Officer.

Insofar as this Court, in the aforesaid orders, has held that the respondent No.2 was a major on the date the marriage was contracted, and has permitted the parties to live together, nothing survives in the case. Any further proceedings in the matter would be an exercise in futility. Accordingly, the FIR and all proceedings emanating therefrom are hereby quashed.

Consequently, the sureties furnished by the petitioner in his bail bond stand discharged.

The petition stands disposed-off in terms of the above.

NAJMI WAZIRI, J.

SEPTEMBER 20, 2018

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