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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1691/2019**

RUSTOM & ORS

..... Petitioners

Through: Ms Tanu Gaur, Advocate.

versus

THE STATE & ORS

..... Respondents

Through: Ms Kamna Vohra, ASC for State with
W/ASI Maya, PS Mahendra Park.
Ms Neha Shukla, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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03.09.2019

1. The petitioners have filed the present petition, *inter alia*, praying that FIR No.168/2019 under Sections 354/354D/323/341/506/34 of the Indian Penal Code, 1860 (IPC) and Section 12 of the Prevention of Children from Sexual Offences Act, 2012 (hereafter referred to as the 'POCSO Act') registered with PS Mahendra Park and all proceedings arising therefrom, be quashed.
2. The FIR in question had been lodged at the instance of respondent no.2. She stated that on 23.04.2019 at about 11:00 AM, petitioner no.1 had accosted her and caught her hand. He stated that he wanted to marry her to which respondent no.2 rebut. She states that she returned home and informed her brother about the incident.
3. It is further alleged that at about 07:00 PM on the same day, the petitioners again visited her house and again petitioner no.1 proposed to marry her. This was objected to by the brother of respondent no.2

(respondent no.3) and in view of the said objection, the petitioners started beating respondent no.3.

4. The said parties state that they have arrived at a compromise and have settled their *inter se* disputes, vide a compromise deed dated 22.05.2019. Respondent no.2 states that she has no grievance against the petitioners. The petitioners confirm that they have no grievance against respondent no.2

5. Respondent no.3 is present in the Court and states that the disputes with the petitioners have since been settled. Respondent no.2 also reiterates the same.

6. The learned APP appearing for the State states that although the said FIR had referred to an offence under the POCSO Act as well; it was subsequently found that respondent no.2 was above the age of eighteen years on the date of incident. Accordingly, the allegations under the POCSO Act have been dropped.

7. The petitioners, who are present in the Court, have been identified by their counsel and respondent nos.2 and 3, who are also present in the Court, have been identified by the Investigating Officer.

8. In view of the statements made by the petitioners as well as respondent nos.2 and 3, this Court is of the view that ends of justice would be served if the FIR in question is quashed.

9. Accordingly, the present petition is allowed and the FIR bearing No.168/2019, under Sections 354/354D/323/341/506/34 of the IPC and Section 12 of the POCSO Act registered with PS Mahendra Park, and all

proceedings emanating therefrom, are quashed.

10. The petitioners and respondent nos.2 and 3 shall sign this order as an acknowledgment of their statements recorded herein.

VIBHU BAKHRU, J

SEPTEMBER 03, 2019/MK