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

Date of decision: 19.10.2020

+ CRL.M.C. 2009/2020

VIKAS

..... Petitioner

Through Mr. Rahul Kumar Singh, Adv.

versus

STATE OF N.C.T. DELHI THROUGH CHIEF SECRETARY
and another

..... Respondents

Through Mr. Hirein Sharma, APP for State.
SI Sheela, PS Paharganj

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

Crl. M.A. 14392/2020 (exemption)

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

CRL.M.C.2009/2020

3. Vide the present petition, petitioner seeks direction for quashing of FIR No. 339/2019 dated 08.12.2019 registered at Police Station Paharganj and consequent proceedings arising therefrom.
4. Notice issued.

5. Notice is accepted by learned APP for State and by respondent no.2 present in person through VC and with the consent of counsel for parties, present petition is taken up for final disposal.

6. Learned APP has opposed the present petition by stating that the allegations against the petitioner are serious in nature and in view of the allegations, the present petition deserved to be dismissed.

7. As per case of prosecution, petitioner made physical relations with respondent no.2 on the pretext of marriage in December 2018. In April, 2019 on account of physical proximity, respondent no. 2 was found to be pregnant with child of petitioner. Since the parents of the petitioner were not agreeing with the marriage of petitioner with the prosecutrix, she made complaint on 08.12.2019 when she was 7 months pregnant. Accordingly, the FIR was registered.

8. Learned counsel for petitioner submits that on 16.01.2020, respondent no. 2 gave birth to a female child. After registration of FIR, she produced her school admission register to petitioner which shows her date of birth as 28.09.2001 and as such she wasn't a minor in April 2019, therefore, as per petitioner no case under POCSO is made out.

9. Complainant/respondent no.2 is present in person through VC and has been identified by SI Sheela of Police Station Paharganj and submits that her marriage was solemnized with the petitioner and at present both are residing as husband and wife. Further submits that petitioner has undertaken to take care of her and their child and all monthly expenses as per compromise deed dated 24.09.2020. The parents of the petitioner have also agreed to accept respondent no.2 as their daughter in law and her child as their grandchild. Matter has been settled and she does not wish to prosecute the matter any further.

10. Taking into account the aforesaid facts that petitioner and respondent no.2 are happily married and having a baby and if this Court does not quash the FIR, it would cause injustice to the couple, therefore, in view of settlement dated 24.09.2020, this Court is inclined to quash FIR as no useful purpose would be served in prosecuting petitioners any further.

11. For the reasons afore-recorded, FIR No. 339/2019 dated 08.12.2019 registered at Police Station Paharganj and consequent proceedings emanating therefrom are quashed.

12. The petition is, accordingly, allowed and disposed of.

13. The order be uploaded on the website forthwith.

(SURESH KUMAR KAIT)
JUDGE

OCTOBER 19, 2020
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