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

+ **W.P.(CRL) 100/2024 & CRL.M.A. 813/2024**

KULDEEP & ORS.

..... Petitioners

Through: Mr. Rohit Yadav, Advocate
alongwith petitioners in person

versus

STATE AND ORS.

..... Respondents

Through: Ms. Rupali Bandhopadya, ASC for
the State with SI Vinod Kapoor and
SI Alisha Bhati, P.S. V.K. South
Victim in person

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

09.01.2024

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CRL.M.A. 812/2024 (exemption)

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

W.P.(CRL) 100/2024

3. The instant petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C. ') has been filed on behalf of petitioners seeking issuance of a Writ of Mandamus and/or any other appropriate Writ/Order/Direction thereby quashing of FIR bearing no. 167/2020 dated 21.03.2020 registered at Police Station Vasant Kunj, South, Delhi for offence punishable under Sections 363/366/376 of Indian Penal Code, 1860 ('IPC'), Section 6/17 of Protection of Children



from Sexual Offences Act, 2012 ('POCSO') and Section 9/10/11 of Child Marriage Restraint Act, 2021.

4. Issue notice. Ms. Rupali Bandhopadya, learned ASC accepts notice on behalf of the State.

5. Petitioners are present before this Court and have been identified by their counsel Mr. Rohit Yadav and Investigating Officer (IO) SI Vinod Kapoor and SI Alisha Bhati from Police Station V.K. South, Delhi.

6. Briefly stated, the facts of the present case are that a missing complaint had been filed by the elder sister/respondent no. 3 of the victim at Police Station Vasant Kunj, South upon which, FIR bearing no. 167/2020 was registered for offence punishable under Section 363 of IPC. It is further stated that petitioner no.1 and respondent no.2 met through some relatives and they decided to get married with each other on their own free will and consent. Thereafter, petitioner no.1 and respondent no.2 got married at Arya Samaj Mandir, Faridabad Trust (Regd.) on 20.03.2020 and got their marriage certified wherein the date of birth of respondent no.2 was mentioned as 10.10.2001. After investigation, Sections under 6/17 of POCSO Act and 9/10/11 of Child Marriage Restraint Act, 2021 were added to the present FIR. Chargesheet was filed before the concerned Court and petitioner no. 1 was arrested by the police, who was later granted regular bail and petitioner nos. 2 and 3 were granted anticipatory bail by the learned Sessions Court on 22.12.2020.

7. The victim is present before this Court who claims that she was major at the time of incident. Learned counsel for petitioner no. 1 also states that PAN Card of the victim mentions the date of birth of the victim as 10.10.2001.



8. The investigating officer states that she had made efforts to recover documents on the basis of which the date of birth of the prosecutrix can be verified such as school records. She states that no documents were submitted before the school authority, by the parent of the prosecutrix herein. It is stated that the victim has studied only till fifth standard. There is no other document available for the purpose of proving her age. The PAN Card is on record which mentions that the date of birth of the prosecutrix is 10.10.2001.

9. She states that she was major at the time of incident and had eloped with the petitioner no.1 after her own free will and on the same day, they were married and have been blessed with two children, who are now four years and 1 ½ years of age.

10. On a query made by this Court, respondent no. 2 who has been identified by the IO, has categorically stated that she has entered into compromise out of her own free will and without any pressure, coercion or threat. It is also stated by respondent no. 2 that the entire dispute has been amicably settled between them and she has no objection, if the FIR is quashed.

11. Considering the same that the prosecutrix has consistently supported the case of petitioner no.1 in statement recorded under Section 161 Cr.P.C., 164 Cr.P.C. at the time of bail and now states that she is living happily with the petitioner no.1.

12. This Court taking note of the peculiar fact and circumstances of the case and also taking into account that the parties have amicably resolved their differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice



to quash the abovementioned charge-sheet and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

13. Accordingly, charge-sheet filed under Sections 354/354B/452/506 registered at Police Station Lahori Gate, Delhi and all consequential proceedings emanating therefrom are quashed.

14. The petition stands disposed of.

15. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 9, 2024/ns

[Click here to check corrigendum, if any](#)