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

+ CRL.M.C. 554/2024 & CRL.M.A. 2218/2024

CHAND BABU@CHANDU

.....Petitioner

Through: Mr. Ajay Malviya (D/881/91) and Mr.
Bhagwan Singh, Advocates with
Petitioner-in-person

versus

STATE OF NCT DELHI & ORS.

.....Respondents

Through: Mr. Aman Usman, APP for the State.
SI Shalu, PS Kalyanpur
Prosecutrix-in-person

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

20.09.2024

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1. The Petitioner has approached this Court for quashing FIR No.192/2023 dated 30.04.2023 registered at Police Station Kalyanpuri for an offence under Section 363 IPC. After completion of investigation, chargesheet has been filed in the matter for offences under Section 376(2)(n) & 363 IPC read with Section 6 of the POCSO Act.
2. The facts of the case reveal that a missing complaint regarding a minor girl aged 17 years was received which has resulted into filing of the present FIR being FIR No.192/2023 dated 30.04.2023 registered at Police Station Kalyanpuri for offences under Section 363 IPC.
3. It is stated that the girl was recovered after 13 days, i.e., on 13.05.2023. An MLC of the victim was conducted and the victim was found to be pregnant. Resultantly, offences under Section 376(2)(n) IPC and



Section 6 of the POCSO Act were added in the FIR.

4. The statement of the victim under Section 164 CrPC was recorded. She stated that she had eloped with the Petitioner and was staying with him. She also stated that she is in love with the Petitioner and they got married and that her parents are also ready for their marriage.
5. The victim was sent to Nari Niketan and upon attaining majority, she had been released from the Nari Niketan. It transpires that the victim and Petitioner have got married and there is a child which is about 10 months old. The factum of marriage has been verified by the Police.
6. The Petitioner and the Prosecutrix are present in Court today. They have been identified by the Investigating Officer. The Petitioner has now approached this Court for quashing the FIR on the ground that at the time when the victim eloped with the Petitioner, she was about 17 years of age, capable of understanding all her actions and the Petitioner and the victim were in love with each other. The Petitioner stood by his word and they are married and are living happily together.
7. Learned APP for the State opposes the present petition relying on the various judgments of the Apex Court wherein the Apex Court has deprecated the High Courts for quashing offences under the POCSO Act.
8. Though the Apex Court has stated that offences under the POCSO Act should not be compounded on the basis of the settlement, however, in the facts of this case, not only the life of the Petitioner would be in jeopardy but also the life of the victim who is now happily married with the Petitioner. The future of the child would get affected if the Petitioner is convicted.
9. Teenage love is in a legal grey area. However, keeping in view the



future of the child, the fact that the husband and wife are living together happily, this Court is inclined to treat this case as special circumstance and is inclined to quash the instant FIR. Resultantly, FIR No.192/2023 dated 30.04.2023 registered at Police Station Kalyanpuri for offences under Section 363 IPC and the proceedings emanating therefrom are hereby quashed. It is made clear that this case will not be treated as a precedent.

10. With these observations, the petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

SEPTEMBER 20, 2024

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