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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1514/2024 & CRL.M.A. 5932/2024**
ROHIT PASWAN Petitioner

Through: Ms. Susmita Mahala, Ms. Sonam
Priya and Mr. Anant P. Mishra, Advs.

Versus

STATE GOVT. OF NCT OF DELHI & ANR. Respondents

Through: Ms. Meenakshi Dahiya, APP for State
with SI Priya, PS. Palam Village.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
15.03.2024

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1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.249/2019 under Section 363 IPC (*subsequently Sections 366/376 IPC and Section 6 of POCSO Act were added in the charge sheet and later on charges were framed under Section 376 IPC along with Section 3 read with Section 4(2) of POCSO Act*) registered at Police Station Palam Village, New Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Issue notice. The learned APP for the State accepts notice. She submits that since the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
3. The petitioner (husband), as well as, respondent no.2 (wife) are present in the Court and they have been identified by their counsel and by the



Investigating Officer SI Priya, PS. Palam Village.

4. The brief facts of the case are that in 2019, the petitioner and the respondent no.2 met on Facebook and a relationship developed between them. Due to her family pressure, the respondent no. 2 left her house and as a result the present FIR was registered and the petitioner was arrested. After completion of investigation the charge sheet was filed.

5. The learned counsel for the petitioner submits that during the pendency of the proceedings, the respondent no.2 (victim) attained marriageable age and she married the petitioner on 17.04.2023 at Vedic Samaj Kalyan Samiti, Vijay Nagar, Ghaziabad, Uttar Pradesh-201009 and since then they are staying together.

6. The learned APP submits that the factum of marriage, as well as, petitioner and respondent no.2 staying together ever since their marriage on 17.04.2023 has been verified by the I.O, who is present in Court.

7. The respondent no.2, who is present in Court also affirms the fact that she is now married to the petitioner and urges the Court to quash the FIR registered against the petitioner.

8. Though the offences invoked in the FIR are serious but the said FIR appears to have been registered by the father of the respondent no.2 when she left with the petitioner out of her own will. At the relevant time the respondent no. 2 was minor but at the same time she was at an age where could understand the consequences of her act of leaving her home. Now that the respondent no. 2 and the petitioner are married and are living together for the past almost one year, this fact shows that the respondent no. 2 and the petitioner were in romantic relationship.

9. This Court in ***“Ajay Kumar vs State Govt. of NCT and Anr”*** in Bail



Application 2729/2022 observed that the intention of POCSO was to protect the children below the age of 18 years from sexual exploitation. It was never meant to criminalise consensual romantic relationships between young adults.

10. At this stage, apt would it be to refer to the observations of the Supreme Court in ***Gian Singh v. State of Punjab, (2012) 10 SCC 303: (SCC p. 340, para 58)***

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”

11. Profitable would it be to refer to the judgment of a coordinate Bench of this Court in ***Prem Kumar vs. State and Ors., 2024 SCC OnLine Del 628***, wherein this Court after considering the ratio laid down in ***Gian Singh*** (supra) in similar facts and circumstances has held as under:-

“10. No doubt Section 376 IPC and Section 6 of the POCSO Act are not compoundable under Section 320 Cr. P.C., however, as explained by Hon'ble Supreme Court in Gian Singh's, Narinder Singh's, Parbatbhai Aahir's and Laxmi Narayan's cases (supra), the authority of the High Court under Section 482 Cr. P.C. remains unrestricted by the provisions of Section 320 Cr. P.C. It can use its inherent powers under Section 482 Cr. P.C. to quash FIRs and criminal proceedings if deemed necessary based on the specific facts and circumstances of the case, either to serve the interests of justice or to prevent the misuse of the court process. This power can even be exercised in cases where the offenses are non-compoundable, but the parties have reached a settlement among themselves.

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12. In the present case, the parties have already married each other, as stated by the learned counsel for the petitioner. Attention of this Court has been drawn to the Affidavit-cum-No-objection given by respondent no. 3, where she has stated that she has no objection in case the FIR is quashed. One cannot lose sight of the fact that both the petitioner and the respondent no. 3 are happily residing together with their two minor children and are considering to restart their lives together with a new beginning. This Court cannot be a silent spectator to or turn its back on the distressed family. If the impugned FIR is not quashed, the petitioner will have to face incarceration for at least 10 years which will negatively impact their lives, including their two minor children. The mistake or blunder, which otherwise constitutes an offence, has been committed due to immature act and uncontrolled emotions of two persons, out of whom, one was a minor, on the verge of majority, at the time of incident as claimed by the state.

13. The petitioner's prosecution and conviction will lead to pain and tears in the eyes of the family members of both the parties and future of two families will be at stake, whereas, if the impugned FIR is quashed, it would serve the ends of justice and would bring joy to both the families and two minor children as well. "...

12. In view of the fact that the parties have arrived at a settlement and the petitioner and respondent no.2 got married and have been living together, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.

13. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

14. Consequently, the petition is allowed and the FIR No.249/2019 under Section 363 IPC (subsequently Sections 366/376 IPC and Section 6 of POCSO Act were added in the charge sheet and later on charges were framed under Section 376 IPC along with Section 3 read with 4(2) of POCSO Act) registered at Police Station Palam Village, New Delhi alongwith all other



proceedings emanating therefrom, is quashed.

15. The petition stands disposed of in the above terms.

16. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

MARCH 15, 2024/dss