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

+ **W.P.(CRL) 391/2020 & CRL.M.A. 2892/2020 (Protection)**

ABCD & ANR

..... Petitioners

Through: Mr. Nikhil Kharbanda, Mr. Rahul Ahlawat & Mr. Aayush Rohtagi, Advocates alongwith petitioners in person.

versus

THE STATE

..... Respondent

Through: Ms. Nandita Rao, ASC (Crl.) for the State with Mr. Amit Peshwani, Advocate.
SI Mohit Malik, P.S. Saket.
Mr. Anil Soni, CGSC with Mr. Devrath Yadav, Advocate for UOI.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

02.04.2024

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1. The present petition under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C. seeks quashing of FIR No. 488/2019, under Section 376 of the IPC and Section 6 of the POCSO Act, registered at P.S. Saket and all other proceedings emanating therefrom including the chargesheet pending before Juvenile Justice Board-II, Firoz Shah Kotla, Delhi Gate, Delhi.

2. The case of the prosecution as per the status report is that on 21.12.2019 a MLC call *vide* DD No. 43A was received at P.S. Saket. It is the case of the prosecution that petitioner no. 1 met the concerned police personnel at Moolchand Hospital, New Delhi and a statement was recorded



in which she stated that she is residing with her parents and was studying in class 12th. It is further stated that earlier she was studying in a different school where she met petitioner no. 2 and they fell in love with each other. It is stated that sometime in March, 2019, petitioner no. 1 had gone to the house of petitioner no. 2 and since nobody was there in the house the said petitioners found opportunity and made physical relationship. It was stated that after that on 21.12.2019 she delivered a baby girl at MoolChand Hospital and that her parents are now agreeable to their marriage. On the said statement FIR No. 488/2019, under Section 376 of the IPC and Section 6 of the POCSO Act, registered at P.S. Saket. During the course of investigation petitioner no. 2 was arrested and was sent to judicial custody. During the course of investigation it was revealed that the date of birth of petitioner no. 1 was 09.03.2003 and that of petitioner no. 2 06.06.2002 and since petitioner no. 2 was declared JCL, the proceedings were transferred to JJC-2, where it is pending trial.

3. Learned counsel appearing on behalf of the petitioners submits that evidently from the records of the case both the petitioners were juvenile at the time. It is further submitted that both have now attained the age of majority and are living together with their one minor girl. On 07.03.2024, father of petitioner no. 1 and petitioner no. 2 had appeared through video conferencing and they had submitted that they have no objection if the present FIR is quashed and they have accepted their marriage. It is pointed out that the families of both the petitioners have accepted the marriage of the petitioners and are in support of their matrimonial life.

4. Status report verifying the marriage of the petitioners has been filed. The same is taken on record.



5. Heard learned counsel for the parties and perused the record.
6. It is a matter of record that both petitioner no. 1 and 2 were minors at the relevant point of time. Petitioner no. 1 from the inception has categorically admitted her relationship with petitioner no. 2. It is also a matter of record that petitioner no. 1 delivered a baby girl on 21.12.2019. It is the case of the petitioners that they are now residing together with support of their respective family members and bringing up their minor child.
7. The present FIR was registered on the statement of petitioner no. 1 as pointed out hereinabove while narrating her relationship with petitioner no. 2. The action taken by the police was on account of the fact that petitioner no. 1 was a minor at that point of time and on account of giving birth to a child the concerned police station was intimidated.
8. The stand of petitioner no. 1 from the very beginning has been about her voluntary relationship with petitioner no. 2.
9. This Court has already interacted with the fathers of petitioners no. 1 and 2 who have stated that after the marriage between them being solemnised, they are supporting their matrimonial relationship.
10. In view of the peculiar circumstances, no useful purpose will be served in continuing with the present FIR No. 488/2019, under Section 376 of the IPC and Section 6 of the POCSO Act, registered at P.S. Saket and all other proceedings emanating therefrom including the chargesheet pending before Juvenile Justice Board-II, Firoz Shah Kotla, Delhi Gate, Delhi.
11. In the interest of justice, the petition is allowed, and the FIR No. 488/2019, under Section 376 of the IPC and Section 6 of the POCSO Act, registered at P.S. Saket and all other proceedings emanating therefrom



including the chargesheet pending before Juvenile Justice Board-II, Firoz Shah Kotla, Delhi Gate, Delhi, is hereby quashed.

12. Petition is allowed and disposed of accordingly.
13. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

APRIL 02, 2024/sn

Click here to check corrigendum, if any