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

+ CRL.M.C. 3194/2024

AZAD KUMAR

.....Petitioner

Through: Mr. Harsh Prabhakar (DHCLSC), Mr. Dhruv Chaudhry, Mr. Adeeb Ahmad, Mr. Ashish Avasthi, Mr. Avneesh Chaudhary, Mr. Kushagra Arora and Ms. Eshita Pallavi, Advocates.

versus

STATE OF NCT DELHI & ANR.

.....Respondents

Through: Mr. Shoaib Haider, APP for the State.
SI Shweta, PS Tilak Nagar.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

18.07.2024

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1. The Petitioner has approached this Court for quashing FIR No.258/2022 dated 05.02.2022 registered at Police Station Tilak Nagar for offences under Section 376 & 506 IPC read with Section 6 of the POCSO Act.
2. The facts of the case reveal that the Petitioner and Respondent No.2 eloped. At that time Respondent No.2 was about 15 years of age. It is stated that they got married and a child was born on 04.02.2022. Finding that the mother, i.e., Respondent No.2 herein is below the age of 15 years, an FIR was registered on 05.02.2022 and the Petitioner was arrested on 16.02.2022.
3. Respondent No.2 herein gave her statement on 17.02.2022 wherein she stated that she had gone with the Petitioner herein on her own volition. The facts of the case shows that the FIR would not have been registered against the Petitioner if the child has not been born.
4. The child is now about 2 years of age and the petition has been filed



for quashing of the said FIR stating that both the families had accepted their marriage before the birth of the child.

5. Though an offence under Section 376 IPC is not compoundable and the Apex Court has given repeated directions not to quash offences under Section 376 IPC on the basis of compromise but in view of the fact that a child is involved and both the families have accepted the marriage and the Petitioner and Respondent No.2 are living as husband and wife and the future of the entire family is involved and more particularly the future of the innocent child is involved, this Court is inclined to quash the FIR in the special facts and circumstances of this case.

6. The parties are present in Court today. They have been identified by the learned Counsel for the Petitioner and the Investigating Officer. This Court has interacted with Respondent No.2 and she states that she is happy in her marriage and prays for quashing of the instant FIR.

7. Resultantly, FIR No.258/2022 dated 05.02.2022 registered at Police Station Tilak Nagar for offences under Section 376, 506 IPC read with Section 6 of the POCSO Act and the proceedings emanating therefrom are hereby quashed.

8. The petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

JULY 18, 2024

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