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

+ **CRL.M.C. 3082/2024**

RAJU KUMAR

..... Petitioner

Through: Mr.Baldeo Sharan and
Mr.Viveka Nand Thakur, Advs.

versus

THE STATE NCT OF DELHI AND ANR Respondents

Through: Mr.Satinder Singh Bawa, APP
with Insp. Harkesh Meena and
SI Vijay.

Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **24.04.2024**

CRL.M.A. 11935/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 3082/2024

2. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No.82/2023 registered at Police Station: Mahendra Park, North-West District, Delhi under Section 6 of the Protection of Children from Sexual Offences Act, 2012, (later during investigation, offence under Section 376 of the Indian Penal Code, 1860 (in short, 'IPC') was also added), along with all other proceedings arising therefrom, on the basis of a settlement.

3. Issue notice.

4. Notice is accepted by Mr.Satinder Singh Bawa, learned APP for the State, and by the respondent no.2, who is present in person.



5. The respondent no.2 is present in Court and has been duly identified by the Investigating Officer (IO). The respondent no.2 is now a major and has married the petitioner. They have also been blessed with one child.

6. The learned APP submits that the above cannot be a ground for the FIR to be quashed, as the respondent no.2 had run away from her home with the petitioner when she was admittedly a minor.

7. I have considered the submissions made and perused the contents of the FIR.

8. In the present case, while there is no dispute that the respondent no. 2 was a minor when she ran away from her paternal house with the petitioner, now she is married to the petitioner and has also been blessed with a child. Continuation of the criminal proceedings against the petitioner would therefore, not only ruin the life of the victim herself but also of the child.

9. Keeping in view the peculiar facts of the present case, and making it clear that this Order shall not be cited as precedent, the petition is allowed.

10. Consequently FIR No.82/2023 registered at Police Station: Mahendra Park, North West District, Delhi under Section 376 of the IPC and Section 6 of the POCSO Act, and all consequential proceedings emanating therefrom against the petitioner, are quashed.

NAVIN CHAWLA, J

APRIL 24, 2024/ns/RP

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