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

+ **CRL.M.C. 3289/2024 & CRL.M.A. 12760/2024**

MAHESH KUMAR

.....Petitioner

Through: Mr Z. A. Siddiqui and Mr Akash
Kumar, Advocates.

versus

THE STATE (NCT OF DELHI) & ANR

.....Respondents

Through: Mr Hitesh Vali, APP for the State
with SI Mayank Istwal, PS
Kalyanpuri.
Chanchal Rani Gupta Rajender
Gupta Sachin Gupta P.S.Tanwar
Akansha Jain for R-2

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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19.09.2024

1. This petition has been filed seeking quashing of FIR No. 181/2021 U/S 363/376 IPC & Section 6 POCSO, P.S. Kalyanpuri, Delhi on the basis of fact that petitioner and respondent no.2 were in relationship and had eloped from Delhi and were arrested from Chennai.
2. Petitioner and respondent no.2-prosecutrix with their newly born child are present before the Court and duly identified by the IO.
3. It is stated that MLC of prosecutrix/ complainant was conducted in 2021 and was found to pregnant but pregnancy was aborted. Her statement was recorded under Section 164 Cr.P.C. where she stated that was in love with petitioner and wanted to marry him.
4. Petitioner and prosecutrix-respondent no.2 have since got married and certificate of marriage issued by the Revenue Department, Govt. of NCT of Delhi is appended along with the petition, showing that their marriage was



solemnized on 12th July 2023 and a female child has been born out of this wedlock on 12th September 2024. Respondent no.2 states that she has no objection to quashing of the FIR.

5. APP for the State has raised objection to quashing of the FIR on the basis that the offence complained of is under POCSO Act.

6. However, in the facts and circumstances of the matter, as noted above, the Court is of the opinion that no purpose would be served in continuing with proceedings of the present FIR as it would be a misuse of the process of the Court and an unnecessary burden on the State exchequer. Also, not allowing the petition would destroy the lives of three individuals, the couple and the new born child. The couple's immaturity cannot become a punishment for life and break what is now a new beginning for them.

7. Accordingly, the petition is allowed. Consequently, the FIR No. 181/2021 U/S 363/376 IPC & Section 6 POCSO, P.S. Kalyanpuri, Delhi and proceedings emanating therefrom are quashed.

8. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

9. Order be uploaded on the website of this

ANISH DAYAL, J

SEPTEMBER 19, 2024/sm