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

+ **CRL.M.C. 4963/2024**

**CHINTU KUMAR**

.....Petitioner

Through: Mr Archit Upadhayay, Adv. (DHCLSC) with Mr  
Ayush Kumar, Adv.

versus

**STATE NCT OF DELHI AND ORS**

.....Respondents

Through: Mr Aashneet Singh, APP for State  
SI Karamveer, PS-Mundka  
Mr SS Ahluwalia and Mr Yuvraj Jaiswal, Adv.  
(through VC) with Ms Saniya Zehra, Adv. for R-2  
and R-3.  
R-2 and R-3 in person.

**CORAM:**

**HON'BLE MR. JUSTICE JASMEET SINGH**

**ORDER**

**14.11.2024**

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1. This is a petition filed under section 482 of CrPC seeking quashing of FIR No. 370/2018 under sections 363 of IPC registered at Police Station – Mundka, Delhi. Later on, section 376 of IPC & section 6 of POCSO Act were also added in the chargesheet.
2. It is stated that the aforesaid FIR was registered by the father of the prosecutrix on the ground that his daughter who was a minor was untraceable. Subsequently, she was found with the petitioner and was in love with the petitioner.
3. The petitioner is present in Court and is identified by his counsel, Mr Ayush Kumar. The respondent No. 2/prosecutrix and respondent No. 3



(father of the prosecutrix) are also present in Court and are identified by their counsel Mr Ahluwalia as well as by the Investigating Officer SI Karamveer, PS-Mundka, Delhi.

4. The affidavit of the respondent No. 2 is on record wherein it is stated that the respondent No. 2 has got married on 13.08.2018 with the petitioner and is blessed with two children. The respondent No. 2 is now a major and has stated in the Court that she is living happily with the petitioner.

5. Both the parties state that they have entered into the aforesaid settlement out of their own free will, volition and without any threat, force, undue influence or coercion.

6. It is stated by the respondent No. 2 that she has no objection if the aforesaid FIR is quashed.

7. Mr. Singh, learned APP objects to the quashing of the FIR as the allegations are of a serious nature.

8. In similar circumstances, the Coordinate bench of this Court in CRL. M.C. 4168 of 2022 titled as “**Sonu @ Sunil vs. State of NCT of Delhi & Ors.**” vide judgment dated 26.04.2024 observed as under:-

*“26. Of late, however, the Courts are faced with petitions where children, who are about to attain the age of majority, in ignorance of the statutory prohibitions and restrictions and consequences, in the name of love, commit acts which would otherwise amount to offence under the provisions of the Child Marriage Act, POCSO Act, and the IPC. Though, being minor, their consent is immaterial, however, factually it is there. This situation makes the Courts face with two consequences, either to go strictly by the mandate of the statute and convict the boy and*



*impose punishment on him, which is rather severe in these statutes, or to exercise its power under Section 482 of the Cr.P.C. to protect the otherwise innocent children/adult by quashing the criminal proceedings. The Courts when faced with such a dilemma, has been adopting the route of exercising its power under Section 482 of the Cr.P.C., to quash such criminal proceedings where it finds that the girl was nearing the age of majority; had gone with the boy of her own free will (though it may be immaterial in law); is happily living with the boy, either in matrimony or otherwise, after attaining the age of majority; and in some circumstances where such relationship has also resulted in children being born. The Court, in such circumstances, is persuaded to save the lives of such an accused, rather than to make him undergo trial and eventual punishment, which would not only ruin innocent lives of the parties to such a relationship, but may be, also of the children that are born therefrom. In this regard, apart from the judgments that have been cited by the learned Amicus, I may also refer to the judgment of the Supreme Court in Kapil Gupta v. State of NCT of Delhi and Another, 2022 SCC OnLine SC 1030, wherein the Supreme Court, while quashing an FIR and consequential proceedings where the accused had been charged with offence under Section 376 of the IPC, observed as under:-*

*“13. It can thus be seen that this Court has clearly held that though the Court should be slow in quashing the proceedings wherein heinous and serious offences are*



*involved, the High Court is not foreclosed from examining as to whether there exists material for incorporation of such an offence or as to whether there is sufficient evidence which if proved would lead to proving the charge for the offence charged with. The Court has also to take into consideration as to whether the settlement between the parties is going to result into harmony between them which may improve their mutual relationship.*

*14. The Court has further held that it is also relevant to consider as to what is stage of the proceedings. It has been observed that if an application is made at a belated stage wherein the evidence has been led and the matter is at the stage of arguments or judgment, the Court should be slow to exercise the power to quash the proceedings. However, if such an application is made at an initial stage before commencement of trial, the said factor will weigh with the court in exercising its power.”*

*27. Reference should also be had to the judgments of this Court in Rahul Verma v. State & Anr., 2013 SCC OnLine Del 469 and Vijay Kumar v. The State Govt. of NCT of Delhi & Anr. (judgment dated 22.05.2023 in Crl.M.C. 2153/2021).”*

9. In offences under section 376 of IPC or under POCSO Act, the Court must be circumspect while quashing the FIR as these are offences against society, even when a compromise has been reached. But at the same time, the Court cannot overlook that both the parties are married. In the present



case, the respondent No. 2 who is present in Court does not want to continue the trial and has herself made the statement that she wants to put a quietus to the matter without any undue influence, threat, pressure or coercion and out of her own free will. Further, there is no criminal intent involved in the act and it is not a case where there is forceful physical relationship with the minor child on the date of incident. The minor child was in love with the petitioner and thereafter they both got married and two children are stated to be born from the wedlock.

10. I am convinced that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice. The Court does not see any fruitful purpose if criminal proceedings are permitted to be prosecuted any further. In this view of the matter, there is no reason to continue the proceedings.

11. In this view of the matter, the aforesaid FIR No. 370/2018 under Sections 363 of IPC registered at Police Station – Mundka, Delhi and the consequential proceedings arising therefrom are hereby quashed.

12. The petition is disposed of accordingly.

**JASMEET SINGH, J**

**NOVEMBER 14, 2024**

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*Click here to check corrigendum, if any*