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

+ **CRL.M.C. 5725/2022**

MAHENDER PAL & ANR. Petitioners

Through: Mr.Ankit Rai & Mr.Abhishek
Sharma, Advs.
Petitioners present in person.

versus

THE STATE NCT OF DELHI Respondent

Through: Mr.Satinder Singh Bawa, APP.
SI Karambir Singh, PS Aman
Vihar.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **04.03.2024**

1. 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.0595/2021 registered at Police Station: Aman Vihar, Rohini-District, Delhi under Sections 363/366/376 of the Indian Penal Code, 1860 (in short, 'IPC') and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (in short, 'POCSO Act'), along with all other proceedings arising therefrom, on the basis of a settlement.
2. The learned counsels for the petitioners submits that the petitioner no.1 and petitioner no.2 are happily married and have also been blessed with a child.
3. The Status Report filed by the respondent states that the fact of the marriage between the petitioners has been duly verified with the concerned authority.
4. I have also interacted with the petitioner no.2, who is present in person in the Court and has been duly identified by the Investigating



Officer (IO). She states that she is happily married to the petitioner no.1 and is also blessed with a child born from the wedlock with the petitioner no.1.

5. In view of the above, I find that the continuation of the proceedings in the above FIR would act as a hindrance in the happy married life of the petitioner no.1 and the petitioner no.2. In reaching the above conclusion, I am also guided by the judgment dated 22.05.2023 of this Court in CrI.M.C. 2153/2021, titled as ***Vijay Kumar v. The State Govt. of NCT of Delhi & Anr.***, wherein, in similar circumstances, this Court held as under:

“6. Even though the judicial principles state that High Court must show restraint in quashing the FIR under section 6 POCSO, in the instant case, respondent No. 2 is in love with petitioner and has married him out of her own free will and choice.

7. The respondent No. 2 is a major now and wishes to stay with the petitioner as his wife along with their minor child. In this case, if the FIR is not quashed, three lives will be ruined. I am of the view that the minor child must get the due love and affection and upbringing from both the parents.”

6. Accordingly, the petition is allowed. FIR No.0595/2021 registered at Police Station: Aman Vihar, Rohini-District, Delhi under Sections 363/366/376 of the IPC and Section 6 of the POCSO Act and all consequential proceedings emanating therefrom against the petitioner no.1 are quashed.

NAVIN CHAWLA, J

MARCH 4, 2024/rv/ss

[Click here to check corrigendum, if any](#)