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

+ **CRL.M.C. 6077/2024**

SACHIN KUMAR

.....Petitioner

Through: Mr. Hemant Chauhan, Mr. Vishal Dabas, Mr. Sahil Dabas and Ms. Aishwarya Sharma, Advocates.

versus

STATE NCT OF DELHI AND ANR

.....Respondent

Through: Mr. Utkarsh, APP for the State with SI Jyoti, P.S.: Kanjhawala.
Ms. Gunjan Sinha Jain, Adv.
(DHCLSC) with Mr. Akshay Kumar and Mr. Devashish, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

08.08.2024

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CRL.M.A. 23269/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 6077/2024

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioner seeks quashing of case FIR No. 52/2024 dated 05.02.2024 registered under section 376 of the Indian Penal Code, 1860 ('IPC') and section 6 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act') at P.S.: Kanjhawala, Delhi.



2. The petition is supported by affidavits of the petitioner and of respondent No. 2, alongwith proofs of their I.D.s.
3. Respondent No.2 is present in court. She is also represented by counsel. The court has interacted with her. She submits that her relationship with the petitioner was consensual and they had been engaging in physical relations with her full consent and concurrence. She submits that she had no intention of filing the subject FIR, which has come to be registered at the instance of the Bhagwan Mahavir Hospital, Pitampura, Delhi since she had gone there by reason of a miscarriage. She confirms that she has got married to the petitioner on 20.05.2024 at the Arya Samaj Marriage Vedic Trust and has been living with the petitioner for a long time.
4. Respondent No.2's date of birth is stated to be 20.03.2006; and therefore at the time when the alleged offence was committed, she was about 17 years and 11 months of age, *i.e.* she was of the age of discretion, though not of the age of consent.
5. Mr. Utkarsh, learned APP points-out that both, in her statement recorded under section 161 Cr.P.C. as well as under section 164 Cr.P.C., respondent No.2 has exonerated the petitioner of any wrongdoing; and that therefore, the State has no objection to the subject FIR being quashed.
6. In the circumstances, in line with the law laid down by the Supreme Court in ***Gian Singh vs. State of Punjab & Anr.*** reported as (2012) 10 SCC 303 as also in ***Narinder Singh & Ors. vs. State of Punjab & Anr.*** reported as (2014) 6 SCC 466, this court sees no reason why the subject FIR and all proceedings emanating therefrom should not be



quashed. This court is of the view that in light of the stand taken by respondent No. 2; and the fact that respondent No. 2 was almost 18 years of age at the relevant time and has now married the petitioner, continuing with the subject FIR and all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.

7. Accordingly, FIR No. 52/2024 dated 05.02.2024 registered under section 376 IPC and section 6 POCSO Act at P.S.: Kanjhawala, Delhi is quashed. All proceedings arising therefrom also stand closed.
8. Petition stands disposed-of.
9. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 8, 2024/ak