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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 8822/2023 & CRL.M.A. 32912/2023 & CRL.M.A.
32913/2023
ROHIT SONIPetitioner

Through: Mr. Chandan Mishra, Mr. Punam
Mishra, Mr. Rajesh Kr Pandit, Mr.
Abhishek and Ms. Shifali, Advocates

versus

THE STATE (NCT OF DELHI) & ANR.Respondents
Through: Mr. Yudhvir Singh Chauha, APP
along with SI Shalini Jadon, PS-
Pandav Nagar.

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
% **01.10.2024**

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (currently under section Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023) has been filed by the petitioner praying for quashing of FIR bearing No. 54/2023 registered at Police Station Pandav Nagar, New Delhi, for offences punishable under Sections 376 of the Indian Penal Code, 1860 (hereinafter "IPC").

2. The petitioner is present before this Court and has been identified by his counsel Mr. Chandan Mishra (D-2142/2008) and Investigating Officer Police Station Pandav Nagar. The respondent No.2 is also present in the Court and has been identified by her counsel and the Investigating Officer.



3. The brief facts of the case are that respondent no. 2 was a minor when she was seven months pregnant with a child, and accordingly, registered an FIR bearing no. 54/2023 against the petitioner. However, on attaining the age of majority, the respondent no. 2 married the petitioner herein and one son born out of their wedlock.

4. On the query made by this Court, the respondent no. 2 has categorically stated that she has attained the age of majority and is happily married to the petitioner and prays to quash the aforesaid FIR, chargesheet and any subsequent criminal proceedings in respect of the offences therein.

5. It is informed to the Court by the parties that the child is in the custody of an NGO vide order dated 31st March, 2024 passed by the Child Welfare Committee (CWC), Mayur Vihar, Delhi.

6. The investigating officer present in the court produced the Form 17 Rule 18(2), 19(25) and Form 18 Rule 18 (5), 18(9) and 19 (26) and submitted that the child given in the custody of the NGO by the CWC for the welfare of the child herein.

7. Along with the prayer for quashing of the FIR, it is prayed that this Court may direct the CWC to release the child to its parents i.e., the petitioner and respondent no. 2.

8. Learned APP appearing on behalf of the State raised no objection to the quashing of the aforesaid FIR as well as the custody of the child herein.

9. In view of the above facts and circumstances the CWC, Mayur Vihar, Delhi is directed to release the child to the petitioner and the respondent after verifying the details of the father and mother of the child, i.e., petitioner and respondent no. 2.

10. Accordingly, FIR bearing No. 54/2023 registered at Police Station



Pandav Nagar, New Delhi, for offences punishable under Section 376 of the Indian Penal Code, 1860 of the IPC and all consequential proceedings emanating therefrom are quashed.

CHANDRA DHARI SINGH, J

OCTOBER 1, 2024
rk/mk

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