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

+ **CRL.M.C. 6926/2024**

VISHAL

.....Petitioner

Through: Mr. Harshdeep, Adv.

versus

THE STATE OF NCT OF DELHI & ORS.Respondents

Through: Mr. Aashneet Singh, APP with W/SI
Ritu, PS Nangloi

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

26.11.2024

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1. This is a petition seeking quashing of FIR No. 1179/2020 dated 29.12.2020 under Section 363/366/376 of IPC and Section 6 of POCSO Act registered at PS Nangloi, Delhi and proceedings emanating therefrom.
2. As per the FIR, the father of the minor girl registered an FIR that his daughter was missing and was aged about 16 years and was found subsequently with the petitioner.
3. Respondent No. 2 was a minor girl child aged 16 years and the petitioner was 20 years old at the time of registration of FIR and got married on 09.11.2020. The same is clear from the certificate of registration of marriage. Hence on the date of the FIR i.e. 29.12.2020, the petitioner and the minor girl child were already married.
4. Petitioner is present in court and is identified by Mr. Harshdeep, Adv. Respondent No. 2 is also present and is identified by W/SI Ritu, PS Nangloi.



5. Respondent No. 2 states that she has attained maturity and is living happily with the petitioner. Complainant i.e. the father of the minor girl child has joined through VC and has no objection to the quashing of the FIR.

6. Parties state that they have arrived at the settlement out of their own free will without any threat, pressure, coercion or undue influence.

7. 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).”

8. 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.

9. 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.

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 view of the aforesaid, FIR No. 1179/2020 under Section 363/366/376 IPC and Section 6 of POCSO Act registered at PS Nangloi, Delhi and the consequential proceedings emanating therefrom is hereby quashed.

12. The petition is disposed of.

JASMEET SINGH, J

NOVEMBER 26, 2024/DM

Click here to check corrigendum, if any