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

+ **CRL.M.C. 7046/2024**

RINKU KUMAR

.....Petitioner

Through: Mr. Kartickay Mathur, Mr. Muchkund Mishra & Mr. Devender Dubey, Advocates with petitioner in person.

versus

GOVT. OF NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Satinder Singh Bawa, APP with Ms. Sunpreet Singh, Advocate for State.

Respondent Nos. 2 and 3 in person.

S.I. Komal, PS Subhash Place, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **06.09.2024**

CRL.M.A. 26904/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CRL.M.C. 7046/2024

3. The present Joint Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the petitioner seeking to quash the FIR No. 503/2015 registered under Sections 363/366/376 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) and Section 6 of POCSO Act at Police Station Subhash Place, North West District, Delhi.
4. Brief facts of the case are that the respondent No. 3, who is the uncle of respondent No. 2, filed an FIR alleging that his niece (respondent No. 2) was missing from 06.06.2015 and, therefore, the present FIR was registered.
5. Thereafter, the respondent No. 3/complainant had appeared before the



Police Station with his niece (respondent No. 2) on 03.12.2015, wherein it was informed that the petitioner and the respondent No. 2 had happily married out of their free will and were living together. The respondent No. 2, in her Statement under Section 164 of the Code of Criminal Procedure, 1973, stated that she was happily married on 04.06.2015 with the petitioner out of her free will and were living together.

6. The prosecution after more than six years of registration of present FIR filed the Chargesheet before the learned Trial Court on 07.12.2021 for the offences punishable under Sections 363/366/376 of IPC, 1860 and Section 6 of POCSO Act.

7. After filing of the Chargesheet, the respondent No. 2 and the respondent No. 3 were examined and they reiterated their stand of the marriage between the petitioner and the respondent No. 2 and they are happily married on 04.06.2015 and had blessed with three children. The respondent No. 3 had deposed that he had filed the complaint due to fear of his brother, father of the respondent No. 3.

8. The respondent No. 3, who is the uncle of the respondent No. 2, present in person states that he had got the present FIR lodged because the relatives of the petitioner had subsequently threatened him that a complaint would be lodged against him since he had sold the prosecutrix to the petitioner. Out of fear to protect himself, the respondent No. 3 got the present FIR registered. Similar is the testimony of the respondent No. 3 recorded before the learned Trial Court on 23.02.2023.

9. The Marriage Certificate of the petitioner and the respondent No. 3 has been placed on record, where the date of birth of the petitioner is shown as 16.07.1998 and of the respondent No. 3 as 09.03.1995 and according to



which, they both were major at the time of marriage.

10. The petitioner and the respondent No. 2 and the respondent No. 3 are present in person today, and they have been identified by their counsel and Investigating Officer concerned.

11. The present petition has been signed by the petitioner and is supported by the affidavits of the petitioner and the respondent Nos. 2 and 3.

12. Today, the complainant/respondent No. 2, who is present in the Court in person, states that he has no objection if the FIR is quashed.

13. Considering the facts that the parties are happily married and they have been residing together since the date of their marriage as husband and wife and also have three children and none of the parties are aggrieved by the marriage, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them as the present matter is a family matter. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

14. Moreover, there is no legal impediment in quashing the FIR in question.

15. Accordingly, FIR bearing No. 503/2015 registered at Police Station Subhash Place North West District, Delhi, for offences punishable under Sections 366/376 of IPC, 1860 and Section 6 of POCSO Act as well as the Chargesheet and all consequential proceedings emanating therefrom are quashed.

16. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 6, 2024/S.Sharma