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

+ **CRL.M.C. 8303/2024**

VIKAS

.....Petitioner

Through: Mr. Anirudh Tanwar and Mr. Dhruv
Chaudhry, Advocates

versus

STATE OF (NCT) DELHI AND ORS.

.....Respondents

Through: Mr.Satish Kumar, APP for the State

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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21.10.2024

CRL.M.A. 31722/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 8303/2024

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) [(earlier under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter “Cr.P.C.”)], has been filed on behalf of the petitioner seeking quashing of FIR bearing No. 857/2022 registered at Police Station Usmanpur, for offences punishable under Sections 363/366/376 of the Indian Penal Code, 1860 (hereinafter “IPC”) read with Section 4 of Protection of Children from Sexual Offences Act, 2012 (hereinafter “POCSO Act”).

2. The petitioner is present before this Court and has been identified by



his counsel Mr.Anirudh Tanwar and Investigating Officer, Police Station Usmanpur. The respondent No.2/prosecutrix is also present in the Court and has been identified by her counsel and the Investigating Officer.

3. On the query made by this Court, the respondent No.2/prosecutrix has categorically stated that she has entered into compromise on her own free will and without any pressure. It is also stated by the respondent No.2/prosecutrix that the entire dispute has been amicably settled between the parties as the respondent No.2/prosecutrix is residing with the petitioner now, i.e. her husband.

4. The brief facts of the case are that on 12th September, 2022 at around 5.00 P.M., the victim, who was around 17 years old, left her residence in order to attend her tuition classes, however, she did not return. Furthermore, the petitioner and the victim were telephonically connected with each other from last one and a half years and on 12th September, 2022, both of them fled for Jammu. On 13th September, 2022, the respondent No.3/father of the victim lodged the aforesaid FIR and accordingly, chargesheet was filed against the petitioner herein. Subsequently, charges under Sections 363/366/376 of the IPC read with Section 4 of the POCSO Act were framed against the petitioner. On 2nd July, 2023, the petitioner and the respondent No.2 got married and their marriage got registered before the Marriage Registrar-Meerut, Uttar Pradesh on 11th July, 2023. On 23rd April, 2024, a male child was born out of their wedlock. The affidavit in support of the prosecutrix is appended at Page 23 to the petition.

5. Since the petitioner and the respondent No.2 have settled the entire dispute amicably, after which they got married and are living together happily, it is prayed by the learned counsel appearing on behalf of the



parties that the instant FIR may be quashed on the basis of the compromise as per the Judgment of the Hon'ble Supreme Court passed in ***Gian Singh vs. State of Punjab, (2012) 10 SCC 303***.

7. Mr.Satish Kumar, learned APP for the State vehemently opposed the prayer made by the petitioner seeking quashing of the FIR in question in view of the settlement arrived at between the parties, submitting to the effect that chargesheet has already been filed against the accused petitioner, under Sections 363/366/376 of the IPC read with Section 4 of the POCSO Act, which is a serious and non-compoundable offence. Thus, the FIR in question may not be quashed.

8. Heard learned counsel for the parties and perused the material placed on record.

9. In the instant case, it is observed that the petitioner herein is charged with Section 4 of the POCSO Act, which is a non-compoundable offence. However, it is also taken into account that the parties herein have reached at a settlement, got married and are living together happily with their child.

10. Therefore, in light of the guidelines laid down by the Hon'ble Supreme Court in the aforementioned cases, especially pertaining to the non-compoundable offences, this Court is of the view that since the parties have reached at a compromise and amicably settled the disputes without any pressure, as well as living together happily, no useful purpose would be served by keeping the matter pending.

11. In view thereof, and the laws laid down by the Hon'ble Supreme Court, the present petition is allowed. Accordingly, FIR bearing No. 2857/2022 registered at Police Station Usmanpur, for offences punishable under Sections 363/366/376 read with Section 4 of the POCSO Act and all



consequential proceedings emanating therefrom are quashed.

10. Accordingly, the petition stands disposed of.

CHANDRA DHARI SINGH, J

OCTOBER 21, 2024

Dy/mk

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