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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 8314/2024**
GOVIND

.....Petitioner

Through: Mr. Akshya, Adv.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP
SI Aarti Yadav, PS Kapashera
Ms. Deepika Sheoran, Advs.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
29.11.2024

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1. This is a petition filed under section 528 of BNSS seeking quashing of the FIR No. 380/2024, dated 03.10.2024, registered at P.S. Kapashera under Sections 376/377/506 of IPC, 1860 and Section 6 of POCSO Act and all consequential proceedings emanating therefrom, if any.
2. Briefly stating the facts are that the FIR was registered on the complaint of respondent no. 2/complainant wherein the allegations against the petitioner were that the petitioner induced the complainant and established physical relationships with her on the pretext of getting married. It is stated that at the time of the incident, the petitioner was 25 years old and the complainant was around 17 years old.
3. Subsequently, the FIR was registered.
4. During the pendency of the proceedings, the parties have settled all their disputes amicably and have married each other on 09.10.2024 in



accordance with Hindu Rites and Customs and are living happily.

5. The petitioner i.e. Mr. Govind is present and has been identified by his counsel namely, Mr. Akshya, Adv.

6. Respondent No.2 is also present and has been identified by SI Aarti Yadav, P.S. Kapashera.

7. Both the parties state that they have entered into the aforesaid settlement out of their own free will, volition and without any threat, force, undue influence or coercion.

8. The Hon'ble Supreme Court in **Gian Singh vs State of Punjab and Others** (2012) 10 SCC 303 *inter alia* held as under:

In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society.

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In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement



and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

9. Further, a Coordinate bench of this Court in CRL. M.C. 4168/2022 titled as **Sonu @ Sunil v. State of NCT of Delhi** 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, 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, 2013 SCC OnLine Del 469 and Vijay Kumar v. The State Govt. of NCT of Delhi (judgment dated 22.05.2023 in Crl.M.C. 2153/2021).”

10. 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 i.e. respondent No. 2/complainant and petitioner No. 1 are married to each other and are living happily together. In the present case, the respondent No. 2 who is present in Court 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.

11. Another aspect that weighs with this court is that the FIR in the present case is registered on 03.10.2024 and the date of alleged incident is of the year 2017. Since both the parties are married and are living their life happily, I am not inclined to prosecute the present FIR any further.

12. Since no disputes are pending between the parties, I am convinced that quashing of such proceedings on account of compromise would bring



about peace and would secure the ends of justice. This court does not see any fruitful purpose if criminal proceedings are permitted to be prosecuted any further. It is a fit case for quashing. In this view of the matter, there is no reason to continue the proceedings.

13. For the reasons noted above, FIR No. 380/2024, dated 03.10.2024, registered at P.S. Kapashera under Sections 376/377/506 of IPC, 1860 and Section 6 of POCSO Act and all consequential proceedings emanating therefrom, if any are hereby quashed.
14. The petition is disposed of accordingly.

JASMEET SINGH, J

NOVEMBER 29, 2024 / (MS)

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