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

+ **CRL.M.C. 8340/2024**

ROHIT BALAI & ANR.

.....Petitioners

Through: Mr. Suresh Kumar Palta, Advocate.

Versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Shubhi Gupta, APP for the State
with SI Priya, I.O., with ASI Laxmi,
P.S.:Palam Village.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

22.10.2024

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By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners seek quashing of case FIR No. 128/2022 dated 26.02.2022 registered under sections 376/34 of the Indian Penal Code, 1860 ('IPC') and section 6 of the Protection of Children from Sexual Offences Act, 2012 at P.S.: Palam Village, Delhi. Consequent upon completion of investigation, allegation under section 376-D IPC has been added *vide* chargesheet dated 21.03.2022.

2. The petition is premised on Settlement/Compromise Deed dated 11.09.2024, whereby the petitioners and respondent No. 2 have resolved the matter amicably.
3. The petition is also supported by affidavits of the petitioners and of respondent No. 2, alongwith proof of their IDs.



4. The contesting parties are present in court. Their credentials have been verified and they have also been identified by their respective counsel.
5. Respondent No. 2 is present in court alongwith her parents. The court has interacted with her. She is stated to be suffering from a serious medical ailment. It is in this regard that Settlement/Compromise dated 11.09.2024 narrates that petitioner No.1, who is the husband of respondent No. 2, is taking care of her.
6. Though the offence is alleged to have been taken place at a time when respondent No. 2 was minor, she has now married petitioner No. 1 *vide* Certificate of Marriage dated 25.08.2024 issued by Arya Samaj Mandir Trust (Regd.), Dwarka Court, Delhi, on which date she was major. She has confirmed to the court that whatever transpired between petitioner No.1 and her was consensual and that she does not wish to pursue any further proceedings in the subject FIR.
7. Ms. Shubhi Gupta, learned APP confirms that the State has no objection to the subject FIR being quashed.
8. In the circumstances, in line with the law laid down by the Supreme Court in ***Gian Singh vs. State of Punjab & Anr.*** reported as (2012) 10 SCC 303 as also in ***Narinder Singh & Ors. vs. State of Punjab & Anr.*** reported as (2014) 6 SCC 466, this court sees no reason why the subject FIR and all proceedings emanating therefrom should not be quashed. This court is of the view that in light of the settlement between the contesting parties, continuing with the subject FIR and all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.



9. Accordingly, FIR No. 128/2022 dated 26.02.2022 registered under sections 376/34 IPC and section 6 of the POCSO Act at P.S.: Palam Village, Delhi is quashed. All proceedings arising therefrom also stand closed.
10. Petition stands disposed-of.
11. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

OCTOBER 22, 2024

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