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

+ CRL.M.C. 760/2023

SATISH AND ANR

.....Petitioners

Through: Mr. Abhik Kumar & Mr. Rinku
Mathur, Advs.

versus

STATE GOVT OF NCT OF DELHI

.....Respondents

Through: Mr. Pardeep Gahlot, APP
for the State.

WSI Pratibha Yadav,

SPUWAC/Nanakpura.

SI Akshay Bhati, P.S. Madhu Vihar.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **17.05.2025**

1. This hearing has been done through hybrid mode.
2. The present petition under Section 482 of the Code of Criminal Procedure, 1973, (for short, 'CrPC') has been filed seeking quashing of FIR No. 115/2021, under Sections 363/376 of the Indian Penal Code, 1860, (for short, 'IPC'), and Section 6 of the Protection of Children from Sexual Offences Act, 2012, (for short, 'POCSO Act'), registered at Police Station Madhu Vihar, and subsequent proceedings emanating therefrom including the chargesheet pending in the Court of Sh. Nipun Awasthi, learned ASJ, Karkardooma Court, Delhi.
3. The aforesaid FIR was registered on 03.05.2021 on the basis of the complaint of petitioner no.2, now wife of petitioner no.1, filed at Police Station Madhu Vihar. It was alleged in the complaint by petitioner no.2 that she is 17 years old and has studied till 12th standard. It was alleged that she



knew a boy named Satish, petitioner no.1 for the last one year and they loved each other. It was alleged that on 09.02.2021, petitioner no.1 had taken petitioner no.2 to Jaipur by alluring her on the pretext that he would die. It was alleged that the petitioner no.1 married her in a mandir regarding which she does not know and all photos and videos of the marriage on the mobile phone of petitioner no.2 were deleted by petitioner no.1. After the marriage he kept her in a rented room and for two months, they with mutual consent maintained a relationship with each other. After two months, petitioner no.1 received a call from his parents in Delhi that he should come home and they will accept him as well as his wife, petitioner no.2. On 29.02.2021, on their arrival in Delhi, when they went to the place where the parents of petitioner no.1 were living, they were thrown out of the house, and then, they went to the house of petitioner no.2, where her parents accepted both of them. Thereafter, petitioner no.1 resided with petitioner no.2 at her parental house with her parents and one day, both of them had a quarrel on which, petitioner no.1 went to his home to reside with his parents. It was further alleged that she was one month pregnant. After leaving the house, he did not agree to live with her and refused to come to reside with petitioner no.2. Based on these allegations, FIR was registered for the offences punishable under Sections 363/376 of the IPC and Section 6 of the POCSO Act.

4. On 21.05.2021, statement under Section 164 of the CrPC of the survivor was recorded wherein she corroborated the version stated by her in the complaint. During investigation, the age of the survivor, petitioner no.2, was verified from her school and as per school documents, her date of birth was found to be 22.06.2003, i.e., 17 years. On completion of investigation, chargesheet was filed before the Court of competent jurisdiction on



23.07.2021.

5. During trial, petitioner no.2 was examined as PW-2 before the learned Trial Court and in her cross-examination, she had admitted that she had made all the allegations in her complaint against petitioner no.1, in anger, so that his family may adopt her. She has further admitted that she was angry with the attitude of parents of petitioner no.1 towards her, who were not accepting her and therefore, she filed the present complaint. She has further admitted that the aforesaid complaint was due to anger as she was pregnant and she wanted that the family of the petitioner no.1 may adopt and accept her as their daughter-in-law.

6. Learned counsel for the petitioners submit that petitioner no.1 and petitioner no.2 have married each other on 12.04.2022. He further submits that petitioner no.2 herself in FIR as well as in her statement under Section 164 and in examination before the learned Trial Court, has admitted the fact that she and petitioner no.1 had out of their own will maintained relationship for 2 months after their alleged marriage at the rented room where they resided together after leaving her home. It is further submitted that she has in her cross-examination admitted that she had filed the complaint in the present case as she was angry with the parents of the petitioner no.1 since they were not accepting her as their daughter-in-law. It is further submitted that the petitioners have been blessed with a baby girl on 02.12.2021 and another child in October 2024 and are now happily residing together at their matrimonial home.

7. Learned counsel for the petitioner has relied on the following judgments: -

i) Brijesh Singh v. State (NCT of Delhi) & Ors., 2022:DHC:5745;



- ii) Shriram Urav v. State of Chhattisgarh, Order dated 30.01.2025 Criminal Appeal Nos. 41/2021;
- iii) Moeed Ahamad & Ors. v. State of NCT of Delhi & Ors., 2024 SCC OnLine Del 8119;
- iv) Lalit & Ors. v. State (NCT of Delhi) & Anr, Order dated 22.07.2024 in CRL.M.C. 6769/2023;

8. Petitioner Nos. 1 and 2 are present in Court and have been correctly identified by the Investigating Officer as well as their counsel. She submits that she has no objection if the present FIR along with all other proceedings emanating therefrom including the chargesheet pending is quashed. She submits that she has given birth to two children and they are happily residing together with petitioner no.1.

9. Perusal of the statement recorded under Section 164 of the CrPC as well as the complaint, based on which FIR in the present case was registered, of the survivor, petitioner no.2, shows that they had got married and stayed together. In her cross-examination, as already noted hereinabove, she had stated that she was angry with the parents of petitioner no.1 as they were not accepting her as their daughter-in-law and subsequently, in fit of anger she filed a present complaint against petitioner no.1. As per the case of prosecution, petitioner no.2 was 17 years 8 months old at that particular point in time when she had gone with petitioner no.1. However, in her cross-examination, petitioner no.2 has admitted a photocopy of her Aadhar card wherein, her date of birth is mentioned as 2001 and she was stated to be 20 years of age. She has further stated that she does not know how her date of birth has been recorded as 22.06.2003 in her school documents and that her Aadhar Card was prepared in 2011, i.e., much prior to the present case. It is



pertinent to note that the present FIR was registered on account of the fact that petitioner no. 2 was allegedly a minor at the relevant period.

10. Petitioners are now blessed with two children and are now living together happily.

11. In these circumstances, the lives of petitioners as well as their children are at stake. Thus, in peculiar facts and circumstances of the present case, this Court is of the considered opinion that no useful purpose will be served in continuing with the present FIR No. 115/2021, under Sections 363/376 of the IPC, and Section 6 of the POCSO Act, registered at Police Station Madhu Vihar, and subsequent proceedings emanating therefrom including the chargesheet pending in the Court of Sh. Nipun Awasthi, learned ASJ, Karkardooma Court, Delhi.

12. In the interest of justice, the present FIR No. 115/2021, under Sections 363/376 of the IPC, and Section 6 of the POCSO Act, registered at Police Station Madhu Vihar, and subsequent proceedings emanating therefrom including the chargesheet pending in the Court of Sh. Nipun Awasthi, learned ASJ, Karkardooma Court, Delhi, is hereby quashed.

13. The petition is allowed and disposed of accordingly along with all pending applications, if any.

14. Copy of the order be sent to the concerned learned Trial Court for necessary information and compliance.

15. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

MAY 17, 2025

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