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

+ **CRL.M.C. 899/2025**

NITESH SEN

.....Petitioner

Through: Mr. Ranjit Sharma, Advocate
alongwith petitioner in person

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Naresh Kumar Chahar, APP for
the State
Respondent no. 2 in person

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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26.05.2025

CRL.M.A. 4117/2025 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 899/2025

3. By way of the instant petition, the petitioner seeks quashing of FIR bearing no. 126/2019, registered at Police Station Kalindi Kunj, Delhi for the commission of offence punishable under Sections 376 of the Indian Penal Code, 1860 (hereafter '*IPC*') and Section 6 of the Protection of Children from Sexual Offence Act, 2012 (hereafter '*POCSO Act*').
4. The petitioner and respondent no. 2 have been identified by their counsels and concerned Investigating Officer (IO).
5. The learned counsel appearing on behalf of the petitioner states that



the FIR in this case came to be registered in the year 2019 when the petitioner herein was only 20 years of age and respondent no. 2/prosecutrix was 17 years of age and the parties were in a live-in relationship. It is now stated that the parties intend to get married, and due to family pressure earlier, they were not able to get married. The learned counsel appearing on behalf of the petitioner states that the petitioner herein has remained in judicial custody for about 23 months in connection with the present FIR.

6. The complainant/victim, who is present in the Court states that she was of 17 years of age, at the time, when she had entered into relationship with the present petitioner and that they were in a live-in relationship. However, she states that due to family pressure, they were not able to get married and therefore, the FIR came to be registered on the basis of her complaint.

7. This Court has put a question to the complainant, who is present before the Court, as to why she has compromised the present matter and why she wants this FIR to be quashed, to which she has categorically stated that she intends to get married to the petitioner herein.

8. In the case at hand, this Court notes that the victim was of 17 years of age, since when she was having consensual relationship and was in live-in relationship with the petitioner herein. Now, at present, she has turned major and both the parties intend to get married to each other and therefore, the victim does not want to pursue the present case. Further, it is the submission of both the parties that the present FIR had been lodged on the ground that the petitioner/accused was not ready to marry the complainant despite having entered into consensual relationship with her on the pretext of marriage the present FIR be quashed, so that the parties can get married.



9. This Court, though disapproving the actions of the complainant/victim, but considering the peculiar facts and circumstances of the case, that while the victim was in her teen age, she had entered into consensual relationship with the petitioner, and the allegations were that the petitioner had not married her despite giving her promise, but now they have decided to get married to each other, and there are no other allegations of physical assault or brutalities committed upon the victim, is inclined to quash the FIR bearing No. 126/2019, registered at Police Station Kalindi Kunj, Delhi for the commission of offence punishable under Sections 376 of the IPC and Section 6 of POCSO Act, subject to the victim/respondent no. 2 depositing a cost of Rs.10,000/- with the Police Families Welfare Society (formerly known as Police Widow Welfare Association), within a period of three weeks from date for wasting the precious time of the Court and the investigating agency.

10. In view of the above, the present petition alongwith pending applications, if any, stands disposed of.

11. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 26, 2025/ns

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