



\$~28

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

+ **CRL.M.C. 1685/2023**

NIKHIL SINGH BHADURIA

.....Petitioner

Through: Mr. Puram Sharma, Mr. Mukesh
Rajawat, Mr. Abhishek, Advs.

versus

STATE GOVT.OF N.C.T.DELHI & ANR.

.....Respondents

Through: Mr. Tarang Srivastava, APP for State
with WSI Kanchan, PS Kishangarh

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

%

27.11.2025

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 335/2020 under Sections 376 IPC and 6 of POCSO Act registered at Police Station Kishan Garh and all proceedings emanating therefrom.
2. Notice in the petition was issued *vide* order dated 14.03.2023.
3. The case articulated in the present petition is that the petitioner (husband) and respondent No.2 (wife) were in love with each other and they were supposed to get married but due to some misunderstanding, a heated argument took place between the petitioner and respondent no.2. The respondent no.2, in anger and depression, made written complaint against the petitioner. In pursuance of the FIR, the petitioner was arrested on 23.07.2020. After arrest of the petitioner, the respondent No.2 realized her mistake and the petitioner was released on bail.
4. The marriage of the petitioner and respondent no.2 was solemnized on 09.08.2020.



5. The petitioner, as well as, respondent no.2 are present in Court and they have been identified by their respective counsels, as well as, by the Investigating Officer WSI Kanchan, PS Kishangarh.

6. On a query posed by the Court, respondent no.2 affirms the factum of marriage with the petitioner and states that she has no objection in case the aforesaid FIR is quashed. She states that presently, she is happily residing with the petitioner. The factum of marriage has also been verified by the IO.

7. In the present case, two of the offences which are alleged against the petitioner pertain to Section 376 IPC and Section 6 POCSO Act. Though, it is a trite law that ordinarily the High Courts must show restraint in quashing FIRs involving offences under Section 376 IPC and Section 6 POCSO Act but in peculiar facts and circumstances, the High Courts can quash FIRs in which offences like Section 376 IPC and Section 6 POCSO Act have been involved. In this regard, reference may advantageously be made to a decision of coordinate bench of this Court in '**Kundan & Anr. Vs. State & Ors.**¹' wherein it was held as under:-

"7. Ordinarily the High Courts must show restrain in quashing FIRs for offences under Sections 376 IPC and POCSO Act. In the instant case the FIR was registered under Section 363 IPC and Section 376 IPC and Section 6 of the POCSO Act were added later on. The victim/Petitioner No. 2 has stated in her 164 statement that she was in love with the Petitioner No. 1 and she eloped with him out of her own volition. It is stated they got married in a temple in Uttar Pradesh on the very next day and the Petitioner No. 2/victim has given birth to a baby boy. The families of the Petitioners No. 1 & 2 have accepted the marriage.

¹ 2022 SCC OnLine Del 4809.



8. *Considering the fact that the whole life of Petitioner No. 1 and Petitioner No. 2 and their child would be ruined, this Court asked the learned APP as to whether she has any objections if this Court exercises its jurisdiction under Section 482 Cr. P.C. and quash the FIR. Learned APP for the State very fairly and taking humanitarian approach stated that she has no objections if the instant FIR is quashed.*

9. *In view of the peculiar facts and circumstances of this case, this Court is inclined to quash the FIR. Resultantly, FIR No. 275/2019 dated 30.10.2019 registered at Police Station Delhi Cantt for offences under Section 363/366/376 IPC and Section 6 of the POCSO Act and the proceedings emanating therefrom are hereby quashed.*

10. *Accordingly, the petition is disposed of along with the pending application(s), if any.”*

8. Needless to say, since the petitioner and respondent no. 2 are now married and living together as husband and wife, the analogy of **Kundan** (*supra*) will apply to the facts of the present case.

9. Reference at this stage can advantageously be made to the decision of the Hon'ble Supreme Court in **Kapil Gupta vs. State (NCT of Delhi)**, (2022) 15 SCC 44 wherein the Hon'ble Supreme Court observed that though in heinous or serious crime like rape, the Court shall not normally exercise the powers of quashing of proceedings, however, in the peculiar facts and circumstances of the case, in order to give relief to the prosecutrix and to save her from the agony of facing trial, the Court can exercise its jurisdiction to quash the criminal proceedings. The relevant para of the said decision reads thus:

“16. In that view of the matter, we find that though in a heinous or serious crime like rape, the Court should not normally exercise the powers of quashing the proceedings, in the peculiar facts and circumstances of the present case



and in order to give succour to Respondent 2 so that she is saved from further agony of facing two criminal trials, one as a victim and one as an accused, we find that this is a fit case wherein the extraordinary powers of this Court be exercised to quash the criminal proceedings.”

10. In view of the aforesaid peculiar facts and circumstances, no useful purpose will be served in continuing the proceedings. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

11. Consequently, the petition is allowed and the FIR No. 335/2020 under Sections 376 IPC and 6 of POCSO Act registered at Police Station Kishan Garh along with all other proceedings emanating therefrom, is quashed.

12. The petition stands disposed of in the above terms.

13. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

NOVEMBER 27, 2025/ Pallavi