



\$~84

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

+ **CRL.M.C. 3724/2023 & CRL.M.A. 14095/2023**

K & ANR.

.....Petitioners

Through: Mr. Mohit Chaudhary and Mr.
Sukhbir Singh, Advs. along with the
petitioners in person.

versus

STATE & ANR.

.....Respondents

Through: Ms. Shubhi Gupta, APP for the State.
SI Vivek, P.S. Neb Sarai.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

24.04.2025

%

1. This hearing has been done through hybrid mode.
2. The present petition under Section 482 of the Cr.P.C. read with Article 227 of the Constitution of India seeks the following prayers:-

“i. To quash the FIR No.292/2020, U/S 363/366A/376/ IPC and 6 of POCSO Act, P.S. Neb Sarai and the proceedings of SC No.249/2021, pending in the Court of Sh. Amit Bansal, Ld. ASJ, South, Saket Courts, Delhi, in favour of the petitioners and against the respondent, in the interest of justice.

II. Any other order(s)/Relief(s) as this Hon'ble Court may deem fit and proper, in the facts and circumstances, be also passed in favour of the petitioner and against the respondent.”

3. The aforesaid FIR was registered by respondent no. 2, the father of petitioner no.1 on the basis of a complaint dated 26.05.2020 at P.S. Neb Sarai alleging that his daughter, petitioner no.1, has been taken by some unknown person by enticing her. The FIR was registered on 29.05.2020 for the offence punishable under Section 363 of the IPC. During investigation, efforts were

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 01/05/2025 at 16:08:00



made to search petitioner no.1. It is the case of the prosecution that on 18.12.2020, respondent no.2 came to the police station alongwith petitioner no.1 and during examination, she informed that the latter had gone to Bihar alongwith petitioner no.2, who is aged about 20 years and got married with him.

4. During the course of investigation, she was examined at AIIMS Hospital. Her statement under Section 164 of the Cr.P.C. was recorded and on the basis of the said statement, Sections 376/366 of the IPC and Section 6 of the POCSO Act were added in the aforementioned FIR. During investigation, the age proof of petitioner no.1 was obtained from her primary school, which showed her date of birth as 15.03.2005. After completion of investigation, chargesheet was filed. It is also pointed out that petitioner no.1 has since been examined before the learned Trial Court as PW-4.

5. Learned counsel appearing on behalf of the petitioners submits that petitioner nos.1 and 2 had got married on 13.06.2020. It is further submitted that respondent no.2, in fact, after the said marriage, accepted them and had requested the police officials to withdraw his complaint, however, the same was not done. It is submitted that in her statement under Section 164 of the Cr.P.C., petitioner no.1 had clearly admitted that she had gone with petitioner no.2 out of her own will and had married him. She had further stated that parents of petitioner nos.1 and 2 were agreeable and she was happy with petitioner no.2. She had further stated in her statement under Section 164 of the Cr.P.C. that her age was 18 years but as per school records, it was 15 years at the relevant point of time. It was submitted that even during her statement before the learned Trial Court, she has clearly stated that on 26.05.2020, she left the house alongwith petitioner no.2 and they got married. She was further

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 01/05/2025 at 16:08:00



stated that she was residing with her husband and wants to close the present case. In her cross-examination before the learned Trial Court, petitioner no.1 also stated that there was no physical relationship with petitioner no.2 at that time.

6. Learned counsel appearing on behalf of the petitioners submits that the couple has now been blessed with a child.

7. Respondent no.2, i.e., father of petitioner no.1, is present in Court and is correctly identified by the Investigating Officer. He submits that he has no objection if the present FIR and the subsequent chargesheet emanating therefrom are quashed and that he has also accepted the marriage between the petitioners.

8. Learned counsel appearing on behalf of the petitioner relied upon a judgment of a Coordinate Bench of this Court titled as **“Brijesh Singh vs. State (NCT of Delhi) & Ors.” 2022:DHC:005745** to submit that the said Bench exercised the power under Section 482 of the Cr.P.C. in a similar situation, wherein the parties had got married and the statement of the girl was recorded before the learned Trial Court.

9. In the instant case, as noted above, the FIR was registered under Section 363 of the IPC and later on, Sections 376/366A of the IPC and Section 6 of the POCSO Act were added on the basis of statement of petitioner no. 1 that she got married to petitioner no. 2.

10. A perusal of the record reflects that petitioner no.1 in her statement under Section 164 of the Cr.P.C. had clearly stated that she had gone with petitioner no.2 on her own volition and had got married with him. It is pertinent to note that, in the said statement, she had not stated anything about any physical relationship during that period of time, when she was with

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 01/05/2025 at 16:08:00



petitioner no.2. Even in her examination before the learned Trial Court, she has stated that there was no physical relationship between them at that relevant point of time.

11. In the present circumstances, the lives of petitioner no.1, petitioner no.2 and the child are at stake. In these exceptional circumstances, this Court is of the considered opinion that it will be in the interest of justice if the present FIR no. 292/2020 under Sections 363/366A/376 of the IPC and Section 6 of the POCSO Act, registered at P.S. Neb Sarai and the subsequent chargesheet pending before the Court Sh. Amit Bansal, learned ASJ, South District, Saket courts stand quashed.

12. Accordingly, FIR no. 292/2020 under Section 363/366A/376 of the IPC and Section 6 of the POCSO Act, registered at P.S. Neb Sarai and subsequent chargesheet pending before the Court Sh. Amit Bansal, learned ASJ, South District, Saket courts stand quashed.

13. The petition stands disposed of.

14. Pending application(s), if any, also stands disposed of.

15. Order be sent to the learned Trial Court for necessary information and compliance.

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

AMIT SHARMA, J

APRIL 24, 2025/nk/NS/Pc

Click here to check corrigendum, if any