



\$~45

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

+ **CRL.M.C. 2672/2025**

FARMAN AHMAD

.....Petitioner

Through: Mr. Kunal Malhotra and Mr.
Ravinder Gaur, Advocates with
Petitioner.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Shoaib Haider, APP for the State.
Ms. Tanya Agarwal, Advocate
(through VC) for R2 along with R2 in
person.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

22.04.2025

%

CRL.M.A. 11979/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

CRL.M.C. 2672/2025

3. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of the Petitioner, Farman Ahmad for quashing of FIR No. 472/2019 dated 11.05.2019 under Section 363/376/174A of the Indian Penal Code, 1860 and Section 4 of POCSO Act registered at Police Station Mangol Puri, Delhi.
4. Issue Notice.
5. Mr. Shoaib Haider, learned APP appearing on advance Notice, accepts Notice on behalf of the State.



6. It is submitted that the father of the Respondent No. 2/Prosecutrix had lodged the missing Complaint on 10.05.2019, which ultimately resulted in registration of FIR No. 472/2019.
7. It is submitted that earlier FIR No. 325/2018 under Section 363 of the Indian Penal Code dated 04.07.2018, has been registered on the Complaint of the Respondent No. 2 that she has eloped with the Petitioner on 04.07.2018. However, the Petitioner and the Respondent No. 2 got married on 16.07.2018. The *Nikahnama* dated 16.07.2018 has been placed on record in support thereof.
8. It is submitted that the parties got married and have been residing together and they have two children from their wedlock.
9. The Respondent No. 2 in her Statement under Section 164 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.P.C.'*) recorded by the learned Metropolitan Magistrate on 17.06.2019 as well as her testimony in the Court, has reaffirmed that she had left her parental home out of her own free will and got married to the Petitioner.
10. It is submitted that not only is the life of the Petitioner and the Respondent No. 2, which is to be considered but also the welfare of two sons, who have been born from the wedlock.
11. It is, therefore, submitted that FIR along with the proceedings emanating therefrom may be quashed. The Petition is supported with the Affidavits of the Petitioner as well as the Respondent No. 2.
12. The Respondent No. 2, who is identified by the Investigating Officer, is present in the Court. She has affirmed that she had left the parental home on her own free will and has got married to the Petitioner and since then, they are residing together peacefully and that they have two sons from their



wedlock.

13. It has also been stated by her in the Statement under Section 164 Cr.P.C. and also during the investigations that she was not inclined to accompany her parents to their home.

14. Considering the Statement made by the Complainant/Prosecutrix, which is supported by her Affidavit and her reaffirmation today in the Court, it would not be in the interest of either the parties or their children who are well settled in their matrimonial life, to continue with the FIR and the proceedings therefrom are quashed.

15. Consequently, the FIR No. 472/2019 dated 11.05.2019 under Section 363/376/174A of the IPC and Section 4 of POCSO Act registered at Police Station Mangol Puri, Delhi and the proceedings emanating therefrom are quashed.

16. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

APRIL 22, 2025/RS