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

+ CRL.M.C. 3911/2025 and CRL.M.A. 17074/2025

CHHOTU KUMAR

.....Petitioner

Through: Mr. Santosh Kumar Yadav and
Mr.Suneet Kumar Aggarwal,
Advocates with petitioner in person.

versus

STATE NCT OF DELHI AND ORS & ANR.Respondents

Through: Mr. Sanjeev Sabharwal, APP for the
State.
Respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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17.09.2025

1. Petitioner herein seeks quashing of an FIR No. 1283/2023 dated 14.11.2023 for the offences punishable under Section 363 of IPC registered at Police Station Burari (Sections 376, 366 IPC and section 6 POCSO Act were added in the chargesheet) and all other consequential proceedings arising therefrom, on the basis of a compromise between the parties. The Petitioner and the Respondent no. 2 are now married.

2. At the relevant time, the complainant(mother of the prosecutrix)/respondent no. 3, lodged the present FIR alleging that her second daughter/prosecutrix(respondent no. 2) then aged 16 years, went to the market on 13.11.2023 and did not return.

2.1 The learned counsel for the petitioner *inter alia* urges that the



petitioner and respondent no. 2 solemnized their marriage in the Aarya Samaj Mandir on 05.03.2025 and also have a child together. They are living peacefully together as husband and wife. Hence the FIR be quashed. The parties to the Petition entered into the settlement out of their own free will and consent without any fear and coercion, he submits.

3. Learned APP, however, opposes the quashing petition stating that law will take its own course. He thus seeks dismissal of the petition.

4. In the aforesaid backdrop, I have heard learned counsels for the parties as well as perused the material available on record.

5. Both petitioner, wife (prosecutrix), mother of the prosecutrix along with the minor child are present in Court. I have interacted with them. It appears to be a genuine case of marriage between the petitioner and the prosecutrix out of their mutual love and affection for each other and not merely to scuttle the process of criminal law.

6. No doubt, they seem to have erred on the wrong side of the law and thus got into conflict with the statutory provisions where consent of the minor to either get into physical relationship or to get married is of no significance. However, as the things stand today, they are a happy family. Both are adults and have got married on their own volition and out of the wedlock, a minor son is also born.

7. On a query put to the prosecutrix, she candidly submits that her husband, i.e. the petitioner herein is looking after the entire family including her mother as well as the minor son. In case the criminal proceedings continue, the same will not only impede the peace and tranquility of the family but also result in adverse consequences *qua* the employability of her



husband and also in his earning capacity as he would have to be attending the Trial Court hearings frequently.

8. Taking wholesome view, I do not see any possibility of this case resulting into conviction. On the other hand, it shall unnecessarily remain burden on the already choked judicial grid of the country apart from being unnecessary financial burden on the prosecution to conduct a trial fate of which seems to be an exercise in futility.

9. It is thus deemed just and appropriate to invoke the inherent powers of this Court under Section 528 of the BNSS to prevent undue hardship to the parties and promote mutual goodwill and societal harmony. Reference in this context may also be made to judgment rendered in the case of ***Gian Singh vs. State of Punjab & Anr. [(2012) 10 SCC 303]***.

10. Accordingly, the petition is allowed and the FIR No. 1283/2023 dated 14.11.2023 registered at Police Station Burari for the offences punishable under Section 363 of IPC, along with all consequential proceedings arising therefrom are hereby quashed. The FIR as well as all the proceedings emanating therefrom, i.e. recording of statements be it under Sections 161 and/or 164 of Cr.P.C. and the consequential trial proceedings are all quashed.

11. The petition, along with pending applications, if any, stands disposed of.

ARUN MONGA, J

SEPTEMBER 17, 2025/kd