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

+ **CRL.M.C. 4760/2025 & CRL.M.A. 20637/2025**

HARJI POONAMJI RATHOD AND ANR

.....Petitioners

Through: Mr. Mankan Deep Singh, Ms. Meenakshi Tyagi, Ms. Deevanshi Madan and Mr. Imamul Haque, Advocates with Petitioner No. 2 (in-Person).

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Mukesh Kumar, APP for State. Mr. Prince Sharma, Advocate for R-2 with R-2, present (in-Person) along with her mother.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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15.09.2025

1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ seeks quashing of FIR No. 493/2023 registered at P.S. Paschim Vihar East, for the offences under Section 354 of the Indian Penal Code, 1860² read with Section 8 of the Protection of Children from Sexual Offences Act, 2012³ as well as the proceedings arising therefrom.
2. The case of the Prosecution emanates from a complaint lodged by the Prosecutrix (Respondent No. 2), a minor aged 13 years, alleging that

¹ "BNSS"

² "IPC"

³ "POCSO"



Petitioner No. 1, her brother-in-law, subjected her to sexual assault. While the Prosecutrix informed her sister (Petitioner No. 2) about the incident, she asked the Prosecutrix not to disclose the same to anyone. Pursuant to her complaint, the subject FIR was registered. Subsequently, the Prosecutrix's statement was recorded under Section 164 of the Code of Criminal Procedure, 1973,⁴ wherein she reiterated the allegations previously made by her. Upon conclusion of investigation, chargesheet was filed against the Petitioners under Section 354 of the IPC and Sections 10/21 of the POCSO Act.

3. The present petition is premised on the basis of a compromise between the parties as evidenced by Memorandum of Understanding dated 13th November, 2024. As per its terms, the Prosecutrix, with the intervention of respectable members of society, has amicably resolved the dispute with the Petitioners and has decided not to pursue the present FIR against them. This is further supported by a no-objection affidavit executed by the Prosecutrix, along with affidavits filed on behalf of both the Prosecutrix and her mother, asserting that the complaint was lodged at the instance of the Prosecutrix's elder brother-in-law, Shankar.

4. However, it is well settled that offences of sexual assault, and particularly those invoking the POCSO Act, are grave offences against society and not private wrongs, and therefore cannot ordinarily be quashed merely on the basis of compromise. For this reason, the Court, at the initial stage, expressed reservations in entertaining the plea for quashing, especially since the allegations in the FIR were reiterated in the Prosecutrix's statement under Section 164 Cr.P.C. Nonetheless, since the Prosecutrix and her

⁴ "Cr.P.C."



mother were present in person, the Court considered it appropriate to interact with them before passing further directions. The relevant order recorded reads as follows:

“1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 482 of the Code of Criminal Procedure, 1973) seeks quashing of FIR No. 493/20232 dated 30th May, 2023, registered under Section 354 of the Indian Penal Code, 1860 and Section 8 of the Protection of Children from Sexual Offences Act, 2012, at P.S. Paschim Vihar East and consequential proceedings emanating therefrom. The abovementioned relief is sought on the grounds of alleged compromise between the parties.

2. Petitioner No. 1 is one of the brothers-in-law of the victim. The victim, a minor, is present in Court along with her mother, who is the Complainant. Upon interaction with the victim in open Court, she states that the allegations made in the impugned FIR are false and were made at the behest of one Shankar, who is also her brother-in-law. She states that Shankar had also instructed her to reiterate these allegations at the time of recording of her statement under Section 164 of Cr.P.C. before the Magistrate. Additionally, she states that her mother is illiterate and as such, she could not read the FIR, and merely signed the documents at the instance of Shankar. Let affidavits to this effect be filed by the victim and her mother – i.e., Respondent No. 2, before this Court within one week from today.

3. List on 28th July, 2025.”

5. The Prosecutrix, aged 15 years and accompanied by her mother, categorically denied in open Court all allegations contained in the FIR as well as those in her Section 164 Cr.P.C. statement. Notwithstanding this oral denial, the Court considered it appropriate to call for specific affidavits on oath so as to place her assertions formally on record. The affidavits initially filed lacked detail, and accordingly, the Prosecutrix was granted an opportunity to file a comprehensive affidavit. In compliance, a fresh affidavit has now been filed, wherein she has specifically stated:

“3. I state that I am illiterate person and resultantly I did not read and understand the contents of the FIR in question. Now I have no objection if this Hon'ble Court quashes the present FIR registered against the petitioner herein.



4. *That the complaint was made under pressure from my elder brother in law and I was not aware of its contents. The same complaint was converted into FIR with wrong contents and allegations which was presented before the magistrate. However I was threatened with imprisonment if I did not repeat the contents of complaint and FIR before the magistrate and doing otherwise would amount to deposing falsely in the court.*

5. *I hereby state that I have settled the matter amicably with my brother in law out of court and copy of that settlement deed (Memorandum of Understanding) is already on record."*

6. An affidavit has also been filed by the mother of the Prosecutrix reiterating the same assertions. Both the Prosecutrix and her mother have identified their signatures and thumb impressions on the affidavits, which were shown to them in Court by Mr. Mukesh Kumar, APP for the State. Mr. Kumar further translated the affidavits and explained their contents, upon which the Prosecutrix and her mother confirmed their accuracy. Once again, the Prosecutrix categorically affirmed before this Court that no incident of sexual assault had occurred, that the allegations were levelled at the instance of her brother-in-law Shankar, and that she has no objection if the FIR is quashed.

7. The Court has considered the aforesaid submissions. The Petitioners stand implicated under Section 354 IPC read with Sections 8, 10, and 21 of the POCSO Act, serious and non-compoundable offences. The law is settled that such offences, being offences against society, cannot ordinarily be quashed on the basis of compromise. At the same time, this Court retains inherent jurisdiction to quash proceedings in appropriate and exceptional circumstances where the continuance of trial would serve no useful purpose and would amount to an abuse of process. The present case does not rest merely on a compromise between private parties, but on the categorical



denial of the Prosecutrix, supported by her mother, that any such incident ever occurred. In such circumstances, continuation of proceedings would be an exercise in futility, serving neither the interest of the child nor the purpose of justice.

8. The Prosecutrix has, on more than one occasion, unequivocally reaffirmed her stand before this Court, both orally and through sworn affidavits. In these circumstances, continuation of the present proceedings would serve no purpose. The likelihood of securing a conviction is remote, given the categorical position adopted by the Prosecutrix and her mother. This aspect assumes significance because the Prosecution's case rests solely on their testimony, without the support of any scientific or forensic evidence to lend independent corroboration.

9. In these circumstances, while this Court is persuaded to quash the proceedings, it cannot turn a blind eye to the larger implications. The POCSO Act is a cornerstone of child protection legislation, enacted to shield children from sexual exploitation and to ensure that perpetrators are held to account with the full rigour of law. To invoke such a statute for collateral purposes or on the basis of false or exaggerated claims is not merely abuse of judicial process, but imperils the credibility of the law itself. Misuse corrodes public faith, diverts judicial and investigative resources for unwarranted cases, and, most gravely, risks trivialising the plight of genuine victims whose voices may then be met with unwarranted scepticism.

10. In the totality of the circumstances noted above, FIR No. 493/2023 registered at P.S. Paschim Vihar East, along with all consequential proceedings, is hereby quashed. It is, however, clarified that nothing in this order shall preclude the State from initiating appropriate proceedings, in



accordance with law, against the individual named in the affidavits of the Prosecutrix and her mother.

11. The petition, together with the pending application(s), stands disposed of in the above terms.

SANJEEV NARULA, J

SEPTEMBER 15, 2025

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