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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4824/2025, CRL.M.A. 20900/2025, CRL.M.A. 20902/2025**
AKASHPetitioner

Through: Mr.Akshay Panwar and Ms. Annu
Yadav, Advocates.

versus

THE STATE GOVT. OF NCT OF DELHI & ANR.Respondent
Through: Ms. Kiran Bairwa, APP for the State

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

08.12.2025

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1. Petition under Section 430 read with Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 ("BNSS") has been filed on behalf of the Petitioner for quashing of FIR No.0332/2023 under Sections 366/376 IPC, Section 6 POCSO Act and Section 10 of Child Marriage Restraint Act, 1929, registered at PS: Nangloi.
2. It is submitted that the parties got married on 15.04.2022, when both were minor and child was born on 28.04.2023 at the time when the wife Respondent No.2 was a minor.
3. In the case of Prince Kumar Sharma and Ors. vs. The State NCT of Delhi and Anr., Crl. M.C. 7145/2025 decided on 14.11.2025 (2025:DHC:10080) the Co-ordinate bench of this Court refused to quash the FIR for offences under Section 376 IPC, Section 6 POCSO and Section 9/10 Prohibition of Child Marriage Act, despite the victim (now an adult) stating that the relationship was voluntary and that she did not wish to pursue the case. It was held as under:-



*“13. The present case is not a borderline matter of age determination, nor is there any genuine doubt on this aspect emerging from the record. The pregnancy of the victim, as a result of sexual intercourse with Petitioner No. 1, leaves no real dispute about the occurrence of the sexual act. **Once it is accepted that she was below 18 years of age at the relevant time, the case falls squarely within the ambit of the POCSO Act. Under the POCSO Act, read with the then prevailing provisions of the IPC, any sexual act with a person under 18 is criminalised per se, without importing “consent” as a constituent element once the victim is a child.** Since the Parliament has fixed 18 as the age below which the law refuses to recognise sexual consent, this Court, exercising jurisdiction under Article 226 of the Constitution, cannot, in the guise of doing equity, write in a judge-made exception for “near majority, consensual relationships”. To do so would be to cross the line from interpretation into legislation. **Subsequent developments in the relationship, however compelling in equity, the couple living together, the birth of a child, the victim’s present stance, cannot retrospectively legalise conduct which the law, at the time it occurred, treated as an offence. At this pre-trial stage, where the essential ingredients of the offence are disclosed and there is no patent abuse of process, there is no room for quashing the proceedings.”***

4. In view of aforesaid, no case is made out and Present Petition along with pending Applications is dismissed.

NEENA BANSAL KRISHNA, J.

DECEMBER 8, 2025/h