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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6072/2024**
VARUN KWATRAPetitioner

Through: Mr. Lokesh Kumar Mishra, Mr. Nikhil
Rawat, Advocates with petitioner in
person.

versus

STATE (GOVT. OF NCT OF DELHI) AND ANRRespondents

Through: Mr. Aman Usman, APP for the State
with W/SI Varsha, PS Shakarpur
Respondent No. 2 in person

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
17.02.2025

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1. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.521/2023 under Sections 376 IPC and Section 6 of POCSO Act, registered at Police Station Shakarpur, Delhi and all consequential proceedings emanating therefrom on the ground that during pendency of criminal proceedings, petitioner and respondent no.2/complainant have married each other.
2. Notice was issued in the petition on 07.08.2024.
3. The petitioner, as well as, the respondent no.2 are present in the Court and they have been identified by the counsel for petitioner as well as by IO W/SI Varsha, Police Station Shakarpur.
4. The brief facts of the case, as per prosecution version, are that the petitioner and respondent no.2 fell in love with each other and wanted to get



married but petitioner refused to marry respondent no.2 as she was not of marriageable age at that time. On account of the said refusal to marry, some misunderstanding prevailed which led to the registration of the aforesaid FIR.

5. The learned counsel for the petitioner has invited attention of the Court to the marriage certificate annexed as Annexure P-2 to the present petition to show that the petitioner and respondent no. 2 have married each other on 12.05.2024 according to Hindu Rites and Customs. He submits that both of them are now living together as husband and wife and performing all their marital obligations towards each other.

6. On a query posed by the court, respondent no. 2, who is present in Court, also affirms the factum of marriage and states that she is living along with the petitioner.

7. In the present case, the offences invoked against the petitioner are also under Section 376 IPC as well as Section 6 of the POCSO Act. Though, it is a trite law that ordinarily the High Courts must show restraint in quashing FIRs for offences under Section 376 IPC and the POCSO Act but in peculiar facts and circumstances, the High Courts can quash FIRs in which offences like Section 376 IPC have been involved. In this regard, reference may advantageously be made to a decision of coordinate bench of this Court in '**Kundan & Anr. Vs. State & Ors.**'¹ wherein it was held as under:-

“7. Ordinarily the High Courts must show restrain in quashing FIRs for offences under Sections 376 IPC and POCSO Act. In the instant case the FIR was registered under Section 363 IPC and Section 376 IPC and Section 6 of the POCSO Act were added later on. The victim/Petitioner No. 2 has stated in her 164 statement that she was in love with the

¹ 2022 SCC OnLine Del 4809.



Petitioner No. 1 and she eloped with him out of her own volition. It is stated they got married in a temple in Uttar Pradesh on the very next day and the Petitioner No. 2/victim has given birth to a baby boy. The families of the Petitioners No. 1 & 2 have accepted the marriage.

8. *Considering the fact that the whole life of Petitioner No. 1 and Petitioner No. 2 and their child would be ruined, this Court asked the learned APP as to whether she has any objections if this Court exercises its jurisdiction under Section 482 Cr. P.C. and quash the FIR. Learned APP for the State very fairly and taking humanitarian approach stated that she has no objections if the instant FIR is quashed.*

9. *In view of the peculiar facts and circumstances of this case, this Court is inclined to quash the FIR. Resultantly, FIR No. 275/2019 dated 30.10.2019 registered at Police Station Delhi Cantt for offences under Section 363/366/376 IPC and Section 6 of the POCSO Act and the proceedings emanating therefrom are hereby quashed.*

10. *Accordingly, the petition is disposed of along with the pending application(s), if any.”*

8. The analogy of **Kundan** (*supra*) would also apply to the present case, in as much as, it is also a case of romantic relationship and now, the petitioner and respondent no.2 have married each other and are now happily living together.

9. On a query posed by the Court, the respondent no.2 states that she has no objection in case the FIR is quashed.

10. In view of the peculiar facts and circumstances of the present case, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

11. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.



12. Consequently, the petition is allowed and the of FIR No.521/2023 under Sections 376 IPC and Section 6 of POCSO Act, registered at Police Station Shakarpur, Delhi alongwith all other proceedings emanating therefrom, is quashed.

13. The petition stands disposed of in the above terms.

VIKAS MAHAJAN, J

FEBRUARY 17, 2025

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