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

+ **W.P.(CRL) 3300/2024**

RAHUL

.....Petitioner

Through: Mr. Vaibhav Maheshwari, Sr. Adv.
Mr. Ranjit Kumar Happy and Mr.
Ankur Yadav, Mr. Jayant Kumar,
Advocates along with accused.

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Rahul Tyagi, ASC (CRL) for the
State with SI Deepak Kr., PS Anand
Vihar
Mr. Devraj Singh and Mr. Chaudhary
Sameer Hasan, Advocates for R-2.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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19.02.2025

1. The present petition has been filed on behalf of the Petitioners under Article 226 of the Constitution of India seeking quashing of FIR No. 260/2024 dated 12.05.2024 registered at Police Station (P.S) Anand Vihar, for offences under Sections 376 of the Indian Penal Code, 1860 ('IPC') and Section 6 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act') including all consequential proceedings arising therefrom. Chargesheet against the Petitioner stands filed before the Trial Court on 13.04.2024 and the matter before the Trial Court is at the hearing for arguments on charge.
2. The present FIR was registered on a complaint given by Respondent



No.2 alleging that the Petitioner established sexual relations with Respondent No.2 on the false pretext of marriage.

3. During the course of investigation, the date of birth of the Victim/Respondent no. 02 was found to be 26.03.2006 and Petitioner's date of birth is 01.11.2005. The Petitioner was not a minor at the date of incident i.e. 25.02.2024 and Respondent no. 2 was of 17 years 11 months old on the said date of incident.

4. Learned counsel for the Petitioner states that prior to the complaint filed by Respondent No.2, Petitioner and Respondent No. 2 have been dating each other since past 5 years and since they had established consensual sexual relations, therefore, Respondent No. 2 had got pregnant and when the same was informed to the family of Petitioner they did not pay any heed to the said fact. He states that Respondent No.2 misunderstood that the Petitioner did not intend to marry her and registered the present FIR. He states that during the pregnancy, she suffered a miscarriage.

5. He states that the Petitioner in the present case was sent to judicial custody on 13.05.2024 and vide order dated 30.05.2024 passed by the Trial Court, the Petitioner was released on bail.

6. He states that the parties since been married on 03.06.2024 as per Hindu rites and have been happily residing with each other and the entire misunderstanding has been cleared between the parties. He states that it has been over 10 months that they have been living together and the said fact stands confirmed by the State as well vide status report dated 20.01.2025.

7. He states solemnization of marriage between the Petitioner and Respondent no. 2 took place after she became a major on 25.03.2024.

8. He states that Respondent no. 2 has filed an affidavit dated



18.10.2024 giving her no objection to the quashing of the subject FIR No. 260/2024.

9. He states that in these facts the Petitioner and the Respondent No.2 jointly pray for quashing of the FIR No. 260/2024.

10. Learned ASC states that though ordinarily State opposes the quashing of FIR, which has been registered under Section 376 IPC and Section 6 of POSCO. He states however, in this case since it is a matter of fact that prosecutrix i.e., Respondent No.2 has become a major now and has married the Petitioner and the FIR was also based on the allegation of false promise of marriage.

11. This Court has heard the learned counsel for the parties and perused the record.

12. This Court has interacted with Respondent No. 2 on the last date of hearing i.e. 24.02.2025 and she stated that she has married the Petitioner. She stated that she is residing with the Petitioner and co-existing peacefully. She stated that she does not want to pursue the captioned FIR and proceedings emanating therefrom and confirms having executed the affidavit dated 18.10.2024 recording her no objection to the present quashing petition. It is a matter of record that she is a major now.

13. There is no doubt that offences under Sections 376 of the IPC and Section 6 of the POCSO Act of the IPC are heinous in nature and involve mental depravity. Furthermore, offences of such nature cannot be quashed merely because the victim has settled the dispute. Such offences, in true sense, cannot be said to be offences in personam as the same are crimes against the society. However, what prevails before this Court is the fact that Petitioner and Respondent no. 2 have since gotten married on 03.06.2024



and have been living together. It is stated that families of the parties have also accepted the relationship and since the parties are now married, the allegation that the sexual relationship was established by the Petitioner with Respondent No.2 on a false pretext of marriage no longer survives. It also weighs in the mind of this Court that permitting quashing of this FIR will result in harmony between the parties and permit them to focus on their mutual relationship.

14. It would also be relevant to refer to the judgment passed by the Supreme Court in the case of **Jatin Agarwal v. State of Telangana**¹ wherein while quashing a FIR registered under Section 417/420/376 of the IPC it was observed as under

“5. Considering the aforesaid facts and keeping in view that the respondent no. 2/complainant has herself made a statement before us that she has married the appellant and now living happily, we exercise our powers under Article 142 of the Constitution of India and to do complete justice in the matter, we quash the FIR dated 16.08.2020 lodged by the respondent no. 2 against the appellant under Sections 417, 420 and 376 IPC.”

(Emphasis supplied)

15. Further it would be apposite to state that this Court, in **Ajay Kumar Paswan v. State of NCT of Delhi & Ors.**², **Kundan & Anr. v. State & Ors.**³ and **Paras @ Karan v. the State**⁴ of while exercising the power under Section 482 of the CrPC, had quashed the FIRs registered for the offence under Section 376 of the IPC and Section 6 of the POCSO Act as the parties had compromised the matter and gotten married

¹ 2022 SCC OnLine SC 1969.

² CRL.M.C. 3203/2022 dated 09.12.2022

³ CRL.M.C. 27/2022 dated 21.02.2022

⁴ 2024 SCC Online Del 3748



16. Since Petitioner and Respondent no. 2 have since married and are leading a happy matrimonial life and considering the chances of conviction of the Petitioners being remote and bleak, this Court is, therefore, of the view that there is no use continuing with proceedings of the present FIR as it would be misuse of the process of the Court and an unnecessary burden on the State exchequer.

17. Keeping in mind the facts of the case, this Court is of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 482 of the Cr.P.C. In view of the above, the FIR No. 260/2024 dated 12.05.2024 registered at Police Station (P.S) Anand Vihar and proceedings emanating therefrom are quashed.

18. Pending application is disposed of as infructuous.

19. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
FEBRUARY 19, 2025/mt/ms

[Click here to check corrigendum, if any](#)