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

+ CRL.M.C. 7198/2025

PARMOD

.....Petitioner

Through: Mr. Mohd. Rashid, Advocate.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Mukesh Kumar, APP with Mr. Siddhartha Goyal, Mr. Sunil Singh Rawat and Mr. Vineet Awana, Advocates for the State.
SI Ekta, PS: IGIA.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

10.10.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 482 of the Code of Criminal Procedure, 1973) seeks quashing of FIR no. 0048/2016 registered under Sections 363 of the Indian Penal Code, 1860,¹ at P.S. Nangloi, Delhi. A chargesheet has been filed under Sections 363/366/376 of IPC, Section 6 of the Protection of Children from Sexual Offences Act, 2012² and Section 10 of the Prohibition of Child Marriage Act, 2006.³

2. The case of the prosecution, in brief, is as follows:

2.1 On 24th January, 2016, the victim, a 15-year-old girl went missing.

¹ "IPC"

² "POCSO Act"

³ "PCMA"



Her brother lodged a missing person complaint on 26th January, 2016, suspecting kidnapping. A case was registered under Section 363 IPC, and investigation commenced.

2.2 During investigation, it emerged that Parmod, the Petitioner was also untraceable from the same date. Upon tracing them, the girl was located in Lakhimpur Kheri, Uttar Pradesh, in the company of Parmod and was brought back by the police.

2.3 Parmod produced a marriage certificate, but the victim was found to be a minor. She underwent a medical examination and was found to be pregnant. The victim later underwent abortion at DDU Hospital.

2.4 In her statement under Section 164 Cr.P.C., she claimed that she had voluntarily married Parmod and had consensual physical relations. Despite her claim, due to her age, Sections 376/366 IPC, 4 & 6 POCSO Act, and Section 10 of the PCMA were added.

2.5 Parmod was arrested and remanded to judicial custody. Medical and forensic samples were sent to FSL Rohini, and the final charge sheet was filed against Parmod under the above-mentioned provisions.

3. Counsel for the Petitioner submits that the present petition is premised on an amicable settlement between the Petitioner and the victim (Respondent No. 2). In support, a Mutual Agreement executed between the parties has been annexed, wherein Respondent No. 2 has purportedly agreed to the quashing of the FIR. It is further submitted that the Petitioner and Respondent No. 2 were married on 30th January, 2016, and that their relationship at the time was consensual. Reliance is placed on the marriage certificate annexed to the petition. Counsel further asserts that at the time of marriage, the victim had disclosed that she was of legally marriageable age.



Although the parties are not presently cohabiting, it is argued that the Mutual Agreement suffices for exercise of inherent jurisdiction under Section 482 Cr.P.C. to secure the ends of justice. In aid of this proposition, reliance is placed on jurisprudence which elucidates the inherent jurisdiction of this Court to quash criminal complaints/FIR on the basis of genuine settlement between the parties and to prevent abuse of process of law.

4. Mr. Mukesh Kumar, APP for the State, opposes the present petition. He submits that the victim was a minor at the time of the incident, as borne out by school records. Upon recovery, she was medically examined and found to be pregnant; thereafter, following counselling by the Child Welfare Committee, medical termination of pregnancy was undertaken at DDU Hospital. On that footing, any purported “consent” is irrelevant under POCSO. It is further submitted that the victim has deposed in court supporting the prosecution’s case and has stated that she was forcibly subjected to sexual assault by the Petitioner. Reliance is placed on judicial pronouncements holding that offences involving sexual assault, especially where the victim is a minor, are not liable to be quashed on the ground of private settlement between the parties.

5. The Court has considered the aforementioned submissions. In prosecutions under the POCSO Act, consent is legally irrelevant where the “child” is below eighteen years [Section 2(1)(d), read with Sections 3, 5 and 6, POCSO]. When penetrative sexual assault results in pregnancy, the law deems it “aggravated penetrative sexual assault” [Section 5(j)(ii)], punishable under Section 6 POCSO. Marriage or cohabitation at a later stage does not erase the offence. The Court’s approach has been forthright: compromise cannot be a passport out of a sexual offence. The Supreme



Court, in *Shimbhu v. State of Haryana*,⁴ categorically observed that a compromise entered into between the parties cannot be treated as a mitigating factor warranting a lesser punishment. Rape is a non-compoundable offence, being an offence against society at large, and is not a matter that can be left to the discretion of the parties to compromise or settle.

6. Further, the PCMA criminalises child marriages. Section 9 punishes a male adult marrying a child; Section 10 punishes those who perform, conduct, direct, or abet a child marriage. Whatever the civil status of the marriage (void or voidable in terms of the statute), the conduct remains penal where the bride is a child. To quash a case of child marriage and sexual offences on the plea of settlement would, in effect, grant judicial imprimatur to unlawful conduct that the Parliament has explicitly sought to deter.

7. It is well-settled that the inherent power of the Court under Section 482 Cr.P.C. to quash criminal proceedings is circumscribed by narrow limits. It is to be exercised sparingly, in cases where the allegations, even if taken at face value, do not disclose any offence, are absurd or inherently improbable, or where the prosecution manifestly amounts to an abuse of process.⁵ The Supreme Court in *State of Haryana v. Bhajan Lal*,⁶ has laid down the governing parameters for quashing of FIR, which have been consistently followed thereafter. The Court has repeatedly cautioned that heinous and serious offences, especially those with an element of sexual assault on minors, are not ordinarily quashed on the ground of settlement, as

⁴ (2014) 13 SCC 318.

⁵ *Gian Singh v. State of Punjab*, (2012) 10 SCC 303; *Narinder Singh & Ors. v. State of Punjab & Anr*, (2014) 6 SCC 466.

⁶ 1992 Supp (1) SCC 335.



such crimes are offences against society at large.⁷

8. On a *prima facie* consideration of the material placed by the prosecution, it appears that the victim was a minor at the relevant time and, upon recovery, was found to be pregnant. The medical findings, therefore, *prima facie* indicate penetrative sexual intercourse. In these circumstances, a subsequent compromise or mutual agreement between the parties, whereby the victim now expresses a wish to amicably resolve the matter, cannot obscure the nature of the offence alleged or dilute its gravity. Such offences are crimes against society at large, and not merely against an individual, and are therefore not amenable to private settlements.

9. In the aforementioned circumstances, the Court finds no merit in entertaining the present petition.

10. Accordingly, the present petition is dismissed.

SANJEEV NARULA, J

OCTOBER 10, 2025

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⁷ Ramji Lal Bairwa v. State of Rajasthan, (2025) 5 SCC 117;