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

+ **CRL.M.C. 9073/2024**

GORELAL

.....Petitioner

Through: Ms. Smrati Chaturvedi, Mr. Dheeraj
Sharma and Mrs. Premlata
Chaturvedi, Advocates
Petitioner in person.

versus

THE STATE NCT OF DELHI AND ORS

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for State
with SI Nisha, P.S. Vasant Vihar
R-2 in person
Mother of R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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16.01.2025

1. The present petition has been filed under Section 528 of BNSS, 2023 seeking quashing of FIR No.142/2018 under Section 363/376 IPC and Section 6 POCSO Act registered at P.S. Vasant Vihar, New Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Notice was issued by this Court vide order dated 21.11.2024.
3. The brief facts of the case are that the aforesaid FIR came to be registered on a missing complaint made by the mother of the respondent no.2/victim alleging that her minor daughter/respondent no.2 has gone



missing.

4. During the pendency of the criminal proceedings, the petitioner and the respondent no.2 got married and have been blessed with 02 children, who are stated to be of age 02 years and 03 years.

5. The petitioner, as well as, the respondent no.2 are present in Court. Likewise, the mother of the respondent no.2, who is the complainant in the present petition, is also present in Court. The parties have been identified by Investigating Officer SI Nisha, P.S. Vasant Vihar.

6. On a query posed by the Court, the respondent no.2 affirms the factum of her marriage with the petitioner and states that she has no objection in case the aforesaid FIR is quashed.

7. Similarly, mother of respondent no.2 also states that she has no objection in case the aforesaid FIR is quashed.

8. On a further query posed by the Court, learned APP on instruction from I.O., who is present in Court, also affirms the factum of the settlement. He states that the age of the respondent no.2, at present, is 19 years.

9. In the present case, two of the offences which are alleged against the petitioner pertain to Section 376 IPC and Section 6 POCSO Act. Though, it is a trite law that ordinarily the High Courts must show restraint in quashing FIRs involving offences under Section 376 IPC and Section 6 POCSO Act but in peculiar facts and circumstances, the High Courts can quash FIRs in which offences like Section 376 IPC and Section 6 POCSO Act 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 restraint 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 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.”

10. Needless to say that since the petitioner and respondent no. 2 are now married and living together as husband and wife, and are also blessed with two children, the analogy of **Kundan** (*supra*) will apply to the facts of the present case.

¹ 2022 SCC OnLine Del 4809.



11. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings. 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 FIR No.142/2018 under Section 363/366/376 IPC and Section 6 POCSO Act registered at P.S. Vasant Vihar, New Delhi alongwith all other proceedings emanating therefrom, is quashed.

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

VIKAS MAHAJAN, J

JANUARY 16, 2025/j