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

+ **CRL.M.C. 9501/2024**

YASH KUMAR

.....Petitioner

Through: Mr. Himanshu Sharma, Advocate
with petitioner in person.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Pradeep Gahlot, APP for the
State with SI Ekta P.S. Bindapur.
Mr. Sunny, Advocate with respondent
no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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10.01.2025

CRL.M.A. 36498/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 9501/2024

3. The present petition has been filed under Section 528 of the BNSS seeking quashing of FIR No. 153/2023 under Sections 376/328/506 IPC and Section 6 of the POCSO Act registered at Police Station Bindapur, Delhi, and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned APP for the State accepts notice. Notice is also accepted by the learned counsel for respondent no. 2.
5. The FIR in question was registered at the instance of respondent no. 2 alleging that the relationship with the petitioner was not consensual.



However, respondent no. 2, who is present in Court, states that she is now 19 years of age and has turned major. She further states that it was only on a misunderstanding that the aforesaid FIR came to be registered at her instance. She further states that she does not wish to pursue the present FIR as she herself is pursuing B.A. and petitioner is also a student. She states that settlement arrived at between them may be accepted and FIR in question be quashed.

6. Learned counsel for the petitioner has invited the attention of the Court to the order dated 02.08.2024 passed by the Co-ordinate Bench in Crl.M.C. 5951/2024 titled as ***Dev Madaan vs. The State Govt. of NCT of Delhi and Anr***, wherein under similar circumstances, this Court had quashed the FIR registered under Section 376(2)(n) IPC and Section 6 of the POCSO Act. The relevant part of the said decision reads as under:

“3. Petitioner and respondent no.2/ complainant are present in the Court and are duly identified by the IO and their respective counsels.

4. Respondent no.2/ complainant states that she is now 21 years of age and that her complaint about issues which she had with petitioner emanated out of consensual relationship, while both she and petitioner were of young age in 2016. Now both of them want to pursue their studies further and do not wish to prolong this litigation and their inter se disputes and differences have since been resolved.

5. In this view of the matter, petition for quashing of the aforementioned FIR on the basis of settlement is accepted.

6. Considering the above settlement between the parties and the chances of conviction of the petitioner being remote and bleak, there is no use continuing with proceedings of the present FIR as it would be a misuse of the process of the Court and an unnecessary burden on the State exchequer. Accordingly, the petition is allowed. Consequently, the FIR No.155/2024 PS Nihal Vihar under sections 376(2)(n) IPC and Section 6 POCSO and



proceedings emanating therefrom are quashed.”

7. The petitioner and the respondent no.2 are of young age. The complainant at the relevant time was minor but now she has turned major and voluntarily stated that she does not wish to prosecute the case and the FIR is an outcome of a misunderstanding. Both wish to pursue their studies and put a quietus to the dispute and litigation. It also appears that the relationship was consensual. Having regard to the peculiar facts of the case and in order to give succour to Respondent 2 so that she is saved from the agony of prosecuting criminal trial and could focus on her studies and the future, it is a fit case wherein the extraordinary powers of this Court be exercised to quash the criminal proceedings. The complainant is otherwise, not supporting the case of the prosecution and if the criminal trial is permitted to go ahead, the chances of conviction are bleak. Therefore, continuation of criminal proceedings will be an exercise in futility.

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

9. Consequently, the petition is allowed and the FIR No. 153/2023 under Sections 376/328/506 IPC and Section 6 of the POCSO Act registered at Police Station Bindapur, Delhi, along with all other consequential proceedings emanating therefrom, is quashed.

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

VIKAS MAHAJAN, J

JANUARY 10, 2025/AK