

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22969 of 2022

Arising Out of PS. Case No.-207 Year-2019 Thana- BAHERA District- Darbhanga

Vikash Kumar Mahto Binay Kumar Mahto R/O Village/Mohalla- Jagdishpur,
P.S.- Manigachhi (Nehra O.P.), District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aarti Kumari Wife Of Vikash Kumar Mahto, D/O- Jhari Das R/O Village-Navtolia, P.S.- Bahera Diss- Darbhanga. Presently R/O Village/Mohalla-Jagdishpur, P.S.- Manigachhi (Nehra O.P.), District- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kedar Jha, Advocate
For the O.P. No.2	:	Mr. Maya Shankar Mishra, Advocate
For the State	:	Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL JUDGMENT

Date : 19-01-2026

Heard Mr. Kedar Jha, learned counsel for the petitioner, Mr. Maya Shankar Mishra, learned counsel for the opposite party no. 02 and Mr. Ram Priya Sharan Singh, the learned APP for the State.

2. The present application has been filed on behalf of the petitioner for quashing the first information report bearing Bahera P.S. Case No. 207 of 2019 dated 10.05.2019 under Sections 376, 341, 323, 504, 506, 313/34 of the Indian Penal Code and Section 3(1)(r), 3(2)(va) of the SC/ST (POA) Act and subsequently Section 4/6 of the POCSO Act was also added vide order dated 24.06.2019.



3. The short facts of the case which form the basis of the First Information Report is that the informant/victim aged about 16 years has alleged that while she was staying along with her grandparents, the petitioner Vikash Kumar Mahto, who was a frequent visitor at her house, used to come to her house and indulge in sexual act with her on the pretext of marriage due to which she became pregnant but the said pregnancy was aborted. It is further alleged that upon having knowledge of the said facts, the parents of the informant/victim came and participated in a Panchayati held on 08.05.2019, where also the petitioner indulged in abuses and assault and refused to follow any advices of Panchayat.

4. The present application for quashing of the first information report has been filed on the ground that the parties to the proceeding had entered into a compromise and amicably settled the matter between themselves by filing a compromise petition before the Court of the Special Judge-cum-1st Additional Sessions Judge, POCSO Act, Darbhanga (Annexure -5) stating therein that the parties have compromised the matter out the court and good feelings having been restored between them and they are not desirous to proceed with the matter any further. It was also stated that by way of compromise petition that the parties had



solemnized their marriage with each other and were living peacefully as husband and wife.

5. Learned counsel for the petitioner has pointed out the marriage between the parties was solemnized on 16.11.2018 itself and an affidavit stating the said fact has also been brought on record by way of Annexure -2. However, for the purposes of social recognition of the marriage, the said marriage was also performed in a temple on 29.07.2019, the receipt of which is Annexure-3 to the present application. The learned counsel has also drawn the attention of this Court to Annexure – 4, which is the medical examination report of the informant/ victim disclosing her age to be between 18 to 19 years. He has thus submitted that even considering this aspect of the matter, no offence under POCSO Act would be made out. It has further been submitted that the present case is one of a consensual relationship between two adults and the same has also subsequently resulted into a compromise between the parties, as a consequence of which, the parties are leading a peaceful conjugal life as husband and wife, also having a child out the said wedlock.

6. Learned counsel for the opposite party no. 2 also supports the contentions made by the learned counsel for the



petitioner and has no objection if the FIR lodged against the petitioner is quashed.

7. The issue at hand has been minutely observed by Delhi High Court in CRL. M.C. 4168/2022 titled as **Sonu @ Sunil vs State of NCT Delhi & Ors.** wherein it was noted as under –

“26. Of late, however, the Courts are faced with petitions where children, who are about to attain the age of majority, in ignorance of the statutory prohibitions and restrictions and consequences, in the name of love, commit acts which would otherwise amount to offence under the provisions of the Child Marriage Act, POCSO Act, and the IPC. Though, being minor, their consent is immaterial, however, factually it is there. This situation makes the Courts face with two consequences, either to go strictly by the mandate of the statute and convict the boy and impose punishment on him, which is rather severe in these statutes, or to exercise its power under Section 482 of the Cr.P.C. to protect the otherwise innocent children/adult by quashing the criminal proceedings. The Courts when faced with such a dilemma, has been adopting the route of exercising its power under Section 482 of the Cr.P.C., to quash such criminal proceedings where it finds that the girl was nearing the age of majority; had gone with the boy of her own free will (though it may be immaterial in law); is happily living with the boy, either in matrimony or otherwise, after attaining the age of majority; and in some circumstances where such relationship has also resulted in children being born. The Court, in such circumstances, is persuaded to save the lives of such an accused, rather than to make him undergo trial and eventual punishment, which would not only ruin innocent lives of the parties to such a relationship, but may be, also of the children



*that are born therefrom. In this regard, apart from the judgments that have been cited by the learned Amicus, I may also refer to the judgment of the Supreme Court in **Kapil Gupta v. State of NCT of Delhi and Another, 2022 SCC OnLine SC 1030**, wherein the Supreme Court, while quashing an FIR and consequential proceedings where the accused had been charged with offence under Section 376 of the IPC, observed as under:-*

13. It can thus be seen that this Court has clearly held that though the Court should be slow in quashing the proceedings wherein heinous and serious offences are involved, the High Court is not foreclosed from examining as to whether there exists material for incorporation of such an offence or as to whether there is sufficient evidence which if proved would lead to proving the charge for the offence charged with. The Court has also to take into consideration as to whether the settlement between the parties is going to result into harmony between them which may improve their mutual relationship.

8. So far as offences under Section 376 IPC or the POCSO Act are concerned, the Courts no doubt need to act with adequate prudence while quashing criminal proceedings even when a compromise has been reached, but at the same time it is also important that the Courts should not overlook or brush aside subsequent developments, including the factum of marriage between the parties especially when a child is also born out of the wedlock. In such circumstances, it will only be expedient in the interest of justice to quash the proceedings to bring peace and



secure the ends of justice. It has to be kept in mind that laws like POCSO Act are welfare legislations and the object is not to criminalize relationships. Very recently the Hon'ble Apex Court in the case of State of Uttar Pradesh Vs. Anurudh & Anr. reported in 2026 SCC OnLine SC 40 has highlighted the misuse of POCSO provisions by families to settle personal scores and suggested the Union Government to consider introducing a “**Romeo-Juliet**” clause into the law aimed at exempting consensual adolescent relationships.

9. Having heard the submissions of the parties and considering the judicial pronouncements in this regard, this Court is of the view that in the event of a compromise having been reached between the parties, continuation of criminal prosecution would serve no useful purpose as the same has also been held in the case of Naushey Ali vs State of U.P. reported in (2025) 4 SCC 78 where the Apex Court has observed that when the parties have amicably resolved the dispute, proceeding with the trial would be an exercise in futility and the ends of justice require that the settlement be given effect to by quashing the proceeding as continuance of the same would be a grave abuse of the process of Court, particularly when the dispute is settled and resolved and



would only prolong bitterness between the parties and needlessly burden the justice system.

10. Accordingly, criminal prosecution arising out of Bahera P.S. Case No. 207 of 2019 is quashed as against the petitioner and the instant application is allowed.

(Soni Shrivastava, J)

devendra/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	27.01.2026
Transmission Date	27.01.2026

