



\$~4

*

+

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(CRL) 423/2023 & CRL.M.A. 3934/2023

SHUBHAM

.....Petitioner

Through: None.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms.Arunima Dwivedi, CGSC
with Ms.Himanshi Singh, Adv.
Mr.Yasir Rauf Ansari, ASC
(Crl.) with Mr.Alok Sharma,
Adv. for State
Mr.Harsh Prabhakar, Adv.
(Amicus Curiae) with
Mr.Shubham Saurav and
Mr.Vijit Singh, Advs. for R-3

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

%

02.04.2026

1. This petition has been filed praying for the following reliefs:

“a) Strike down section 2(d) of the POCSO Act and declare the same ultra virus to constitution or in Alternative apply the doctrine of reading down and re-interpret the draconian provisions of POCSO, thereby recognizing consent given by children falling between the ages of 16-18.

b) Set aside the Order dated 13.09.2022 passed by the Hon'ble Court of Sh. Gopal Singh Chauhan, Ld. ASJ, Dwarka Courts, New Delhi in SC No. 176/2022 emanating out of FIR No. 73/2022 dated 14.01.2022 lodged at PS. Dabri u/s 363 of IPC whereby charges have been framed against the



Petitioner/Accused under Section 6 read with Section 5(j) (ii) of POCSO and discharge the Petitioner/Accused from the above mentioned offences as made out in the chargesheet;”

2. As far as the challenge to Section 2(d) of the Protection of Children from Sexual Offences Act, 2012 is concerned, the same is pending adjudication before the Supreme Court in W.P. (Civil) No.700/2023, titled **Harsh Vibhore Singhal v. Union of India & Ors..**

3. The learned counsel for the respondent no.2 points out that as far as prayer (b) is concerned, the same has been rendered infructuous inasmuch as the petitioner has since been acquitted of all charges by order dated 29.11.2025 passed by the learned Special Judge in SC No. 176/2022.

4. The Status Report, filed by the learned counsel for the respondent no. 2, is taken on record.

5. In view of the above, the petition is disposed of, however, reserving liberty in the petitioner to revive the same in case anything survives in the present petition.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

APRIL 2, 2026/sg/as