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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1315/2026 & CRL.M.A. 5298/2026**

SUBHASH

.....Petitioner

Through: Mr. Anjam Kumar Singh, Advocate
alongwith petitioner.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Richa Dhawan, APP for State.
SI Krishan Kumar, P.S.: Bawana.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

17.02.2026

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By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks quashing of case FIR No. 114/2021 dated 05.03.2021 registered under sections 363 of the Indian Penal Code, 1860 ('IPC') at P.S.: Bawana, Delhi. Consequent upon completion of investigation, offences under sections 376 of the IPC and section 6 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO') was added *vide* charge-sheet dated 07.09.2021.

2. The petition is also supported by affidavits of the petitioner and of respondent No. 2, alongwith proof of their IDs.
3. The contesting parties are present in court. Their credentials have been verified and they have also been identified by their respective counsel.
4. The court has interacted with respondent No.2. Even though charges have been framed against the petitioner under section 6 of the



POCSO, respondent No.2 states that even on the date of the offence her age was above 18 years.

5. The court has also perused the statement of the victim, and of her father and mother recorded before the learned trial court. The victim has turned hostile; and both her parents have also said, the mother more categorically so, that at the time of the incident respondent No.2 was more than 18 years of age.
6. In the course of her deposition, respondent No.2 has also stated that at the time of enrolling for Aadhar card, her parents had declared a lower age, which card is in any case not proof of age.
7. Respondent No.2 is now married to the petitioner; and they have a 4-year old son.
8. Ms. Richa Dhawan, learned APP confirms that the State has no objection to the subject FIR being quashed.
9. In view of the above, the considerations that weigh with the court are the following:
 - 9.1. As per the statement of respondent No.2 as well as her parents made before this court, and also the deposition recorded before the learned trial court, it would appear that respondent No.2 was above 18 years of age;
 - 9.2. Respondent No.2 is now married to the petitioner and they have a 04-year old child from the wedlock;
 - 9.3. If the subject FIR is not quashed, it would invariably lead to the destruction of a young family, with serious detrimental consequences especially to the young child;



- 9.4. And in view of the circumstances obtaining in the matter, the State has also not objected to the quashing of the subject FIR.
10. In the circumstances, in line with the law laid down by the Supreme Court in ***Gian Singh vs. State of Punjab & Anr.*** reported as (2012) 10 SCC 303 as also in ***Narinder Singh & Ors. vs. State of Punjab & Anr.*** reported as (2014) 6 SCC 466, this court sees no reason why the subject FIR and all proceedings emanating therefrom should not be quashed. This court is of the view that in light of the settlement between the contesting parties, continuing with the subject FIR and all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.
11. Accordingly, case FIR No. 114/2021 dated 05.03.2021 registered under sections 363 of the Indian Penal Code, 1860 ('IPC') at P.S.: Bawana, Delhi is quashed. All proceedings arising therefrom also stand closed.
12. Petition stands disposed-of.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 17, 2026

V.Rawat