



2026:DHC:4044



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Decided on: 07.05.2026**+ **CRL.M.C. 2001/2026**

SONU

.....Petitioner

Through: Mr. Vikas Pal and Mr. Rohit
Yadav, Advocates.

versus

THE STATE OF NCT OF DELHI AND ORS.Respondents

Through: Ms. Manjeet Arya, APP with Mr.
Abhimanyu Arya, Advocate.
SI Hemant and WSI Radha.**CORAM:****HON'BLE MR. JUSTICE PRATEEK JALAN****J U D G M E N T****PRATEEK JALAN, J. (ORAL)****CRL.M.A. 14427/2026 (for early hearing)**

1. This is an application for early hearing of the petition.
2. For the reasons stated in the application, it is allowed, and the petition is taken on Board.
3. The application stands disposed of.

CRL.M.C. 2001/2026

1. By way of the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks quashing of FIR No. 269/2022, dated 30.04.2022, under Section 363 of the Indian Penal Code, 1860 ["IPC"], registered at Police Station Dwarka (North), on the ground of settlement.

A. FACTS

2. The impugned FIR was originally registered under Section 363 of



IPC, at the instance of respondent No. 2, who is the father of respondent No. 3. The allegation in the impugned FIR was that respondent No. 3, who was then aged 16 years, went missing from her home. He expressed suspicion that she had been lured away by an unidentified individual.

3. The prosecutrix thereafter returned to her house on her own. Upon recording the statement of the prosecutrix under Section 164 of the Code of Criminal Procedure, 1973 [“CrPC”], offences under Section 363, 376, 506 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 [“POCSO Act”] were added.

B. SUBMISSIONS OF LEARNED COUNSEL

4. Mr. Vikas Pal, learned counsel for the petitioner, submits that the petitioner and the prosecutrix have since married each other on 10.07.2024. They also have a child born from the wedlock on 11.06.2025. The petitioner therefore seeks quashing of the FIR.

5. Mr. Pal has relied upon a recent decision of this Court in *Harmeet Singh v. State (NCT of Delhi)*¹, in which this Court has considered the circumstances in which offences under POCSO Act can be quashed on compromise. He pointed that, in *Harmeet Singh*, several decisions of the Supreme Court, this Court and other High Courts have been examined, in which the prosecutrix and the accused have subsequently married each other, and offences under the POCSO Act have been quashed. He further pointed that the judgment also refers to certain decisions where such relief was declined, thereby laying down guiding principles governing the exercise of such jurisdiction.

6. Mr. Pal submits that the case falls within the *ratio* of *Harmeet*



Singh, particularly having regard to the fact that the petitioner and the prosecutrix have now married each other and have a child from the wedlock. He further submits that the prosecutrix and her father [complainant in the impugned FIR] are present in Court, and support the present petition. Mr. Pal urges this Court to quash the proceedings having regard to the subsequent settlement, marital harmony of the petitioner and the prosecutrix, and most importantly the welfare of their minor child.

7. Ms. Manjeet Arya, learned Additional Public Prosecutor for the State, however, opposes the petition, pointing out that the proceedings before the Sessions Court are now at the final stage. Evidence is complete, arguments have been heard, and the matter is fixed for pronouncement of judgment on 11.05.2026. She also submits that the petitioner had earlier filed a similar petition [CRL.M.C. 4634/2025: *Sonu v. The State of NCT of Delhi and Anr.*], which was dismissed as withdrawn by order dated 10.09.2025, without any liberty to file a fresh petition on the same ground. Ms. Arya submits that there are no changed circumstances, which would warrant grant of relief to the petitioner at this stage.

8. Ms. Arya drew my attention to an order dated 03.01.2023, placed on record by the petitioner, by which he was granted regular bail by the Sessions Court. She submits that one of the conditions of bail was that the petitioner “*shall not try to meet or contact the child victim as well as her family members in any way*”. According to Ms. Arya, the petitioner has violated this condition of bail, as the marriage between the petitioner and

¹ 2026 SCC OnLine Del 1707 [hereinafter, “*Harmeet Singh*”].



the prosecutrix was solemnized during the period of bail, and the petitioner now claims to be cohabiting with the prosecutrix.

C. ANALYSIS

9. Having considered the facts and circumstances of the present case, I am of the view that it is not appropriate to quash the proceedings on the grounds urged.

10. The inherent jurisdiction of this Court to quash criminal proceedings even in the case of non-compoundable offences, is well settled, in terms of the judgments of the Supreme Court *inter alia* in *Gian Singh v. State of Punjab & Anr.*² and *Narinder Singh & Ors. v. State of Punjab & Anr.*³. However, even in those cases, the Supreme Court drew an exception for cases of murder, rape and other heinous offences.

11. The said judgments have also been considered in *Harmeet Singh*, which delineates the development of law since, by reference to several judgments of the Supreme Court, this Court and other High Courts. Upon consideration of the view taken in those judgments, this Court has emphasised that quashing can be permitted, particularly when there is no *de-facto* victim in the picture, as the purported victim does not claim to have suffered any “loss or injury”, in terms of Section 2(wa) of CrPC [corresponding to Section 2(1)(y) of the BNSS] read with Section 2(2) of the POCSO Act.

12. The coordinate Bench has enumerated certain principles upon which the Court can exercise this jurisdiction:

“35. *That being said, this court would also caution against wanton*

² (2012) 10 SCC 303.

³ (2014) 6 SCC 466.



misuse of 'compromise' quashing of criminal proceedings by unscrupulous offenders against gullible or vulnerable victims. The courts must be vigilant against offenders who use deceit, stratagem or dishonest device, to obtain quashing of criminal proceedings in their favour. **In particular, it is necessary to install strong guardrails and parameters for consent quashing of criminal proceedings concerning offences under the POCSO Act.**

36. This court is of the view, that though quashing of criminal proceedings under the POCSO Act is not anathema to the law, **such quashing demands careful and sensitive consideration of the fact situation.** When examining a plea for quashing of an offence under the POCSO Act based on the consent of a de-juré victim, **the court must carefully evaluate the reasons as to why the victim disclaims any loss or injury to her and must record its satisfaction inter-alia on the following aspects :**

36.1. Based on the circumstances of a given case, the court must be satisfied that in granting a "no-objection" to the quashing of criminal proceedings, the de-juré victim is genuinely acting on her own free will and volition and has not been misled, pressurised or deceived into offering such no-objection;

36.2. **Whether the de-juré victim has taken a consistent stand in favour of closing the case from the inception** of the criminal proceedings, and has disclaimed that she has suffered any loss or injury at the hands of the offender;

36.3. **Whether the circumstances of the case justify an inference that the acts or omissions that the parties have indulged in, were volitional on the part of the de-juré victim;**

36.4. Whether the marriage or other arrangement, based on which the offender and the de-juré victim are seeking closure of criminal proceedings, evokes confidence on the part of the court; or does it appear to be a ruse or stratagem of the offender to evade conviction and punishment;

36.5. **Whether the parties have been living together as a family for a length of time;** and whether children are born to the parties, whose future would also be impacted by a decision not to quash the criminal proceedings;

36.6. Whether the offender is alleged to have committed any violence or brutality on the de-juré victim; or has committed any other act or omission that points to the absence of genuine volition on the part of the de-juré victim; and if so, is there any medical and other forensic evidence to show such conduct on the offender's part;



36.7. What was the respective age of the offender and the *de-juré* victim at the relevant time; **whether both were minor**; and what are the ramifications of the relative age difference and minority;

36.8. This court would hasten to add, that the aforementioned considerations are only suggestive and far from exhaustive; and before quashing any criminal proceedings under the POCSO Act, the court must interact with the parties and arrive at a subjective satisfaction that the quashing of the case is warranted on larger considerations of justice and to prevent abuse of the process of law, as discussed above; and

36.9. Ultimately, the decision to quash criminal proceedings under the POCSO Act **must be founded on the best interests of the de-juré victim and the children, if any, born from the union of the parties.**⁴

13. It is clear from the above that, even in *Harmeet Singh*, the Court has mandated a fact intensive “*careful and sensitive consideration*”. One of the considerations identified in *Harmeet Singh* itself [Paragraph 36.2] is whether the *de-juré* victim has taken a consistent stand in favour of closing the case from the inception of the criminal proceedings, and has disclaimed that she suffered any loss or injury in the hands of the offender. Paragraph 36.4 further elaborates that the Court must have confidence that the marriage or other arrangements, based on which the offender and the *de-juré* victim seek closure of the criminal proceedings, is a genuine and authentic arrangement, rather than a ruse to avoid conviction.

14. The present case is a case where some of the factors identified by the Court in *Harmeet Singh* indicate closing the criminal proceedings, as suggested by Mr. Pal – particularly the fact that they now have a child. However, a holistic examination of the case does not, in my view, permit such a course. The allegation in the impugned FIR pertains to the



petitioner being missing from her home since 30.04.2022, when she was 16 years and 1 month of age [DOB: 03.03.2006], and the petitioner, on the other hand, had already attained majority; he was 21 years and 3 months old [DOB: 24.02.2001]. The prosecutrix, both in her statement under Section 164 CrPC and her testimony before the Court, supported the prosecution case, rather than suggest that the case be closed. This is thus not a case where the prosecutrix has consistently opposed the prosecution since inception, or claimed any degree of volition in the relationship between her and the petitioner. The aforesaid circumstances dissuade me from a conclusion, at this stage, that the acts of the parties were volitional on the part of the *de-juré* victim, as required by paragraph 36.3 of *Harmeet Singh*.

15. I also note, as pointed out by Ms. Arya, that an earlier petition [CRL.M.C. 4634/2025] was filed for quashing of the proceedings on the very same ground, and was withdrawn without liberty, *vide* order dated 10.09.2025⁵. Mr. Pal accepts that the said petition was filed on the same ground, and there has been no change in circumstances. The proceedings before the Trial Court are now at the fag end, pending only for pronouncement of judgment.

16. The present case also demonstrates an *ex facie* case of violation of the condition on which the petitioner was released on bail. Although Mr. Pal submits that bail was granted to the petitioner with the consent of the father of the prosecutrix, the order of the Sessions Court dated 03.01.2023 reflects his presence, but not his consent. The bail was opposed by

⁴ Emphasis supplied.

⁵ By orders dated 18.02.2026 and 15.04.2026, the petitioner was required to place a copy of the said



learned Additional Public Prosecutor, but granted on the following reasoning:

*“Since, all the public witnesses have already been examined and there is no threat of tampering with the witnesses, applicant/accused Sonu is directed to be released on bail on furnishing bail bond in the sum of Rs. 20,000/-with one surety of the like amount. **However, it is directed that the applicant/accused shall not try to meet or contact the child victim as well as her family members in any way. Application is accordingly disposed off.**”⁶*

The condition that the applicant – accused would not meet or contact respondent No.3 or her family has, even on the contents of the present petition, been violated with impunity.

D. CONCLUSION

17. Having regard to the entirety of facts and circumstances mentioned above, I am of the view that the present case does not display the exceptional circumstances, which would render it appropriate to quash the proceedings, *inter alia*, under the POCSO Act, in exercise of the inherent powers of this Court.

18. The petition is, therefore, dismissed.

19. The next date of hearing, i.e. 28.07.2026, stands cancelled.

20. A copy of the order be given *dasti* under the signature of the Court Master.

PRATEEK JALAN, J

MAY 7, 2026
SS/AD/

petition on record, to enable the Court to examine whether there was any change in circumstances.

⁶ Emphasis supplied.