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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3677/2024**
DAYA SHANKAR AND ORSPetitioners

Through: Ms. Sanigdha Sood Madan, Mr.
Sumit Madan and Mr. Rajnish
Kumar, Advocates.
Petitioners in-person.

versus

STATE GOVT OF NCT DELHIRespondent

Through: Mr. Anand V. Khatri, ASC (Crl.) for
State.
SI Preeti, P.S.: Sarojini Nagar.
ASI Mukesh, P.S.: Vasant Kunj
South.
R-2 in-person.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

% **ORDER**
17.02.2026

By way of the present petition filed under Article 226 of the Constitution of India read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioners and respondent No.2 jointly seek quashing of case FIR No. 158/2023 dated 09.03.2023 registered under section 363 of the Indian Penal Code, 1860 ('IPC') at P.S.: Vasant Kunj South, Delhi. Consequent upon completion of investigation, allegations of offences under section 376 IPC and sections 6/17/21 of the Protection of Children from Sexual Offences



Act, 2012 ('POCSO') have been added *vidé* chargesheet dated 30.07.2023.

2. The petition is premised on respondent No.2's Affidavit dated 21.11.2024, confirming the amicable settlement of the matter.
3. The petition is also supported by affidavits of the petitioners alongwith proof of their IDs.
4. The contesting parties are present in court. Their credentials have been verified and they have also been identified by counsel.
5. Pursuant to last order dated 19.01.2026, the Investigating Officer ('I.O.') has placed on record a Bone Ossification Report dated 21.04.2025 of respondent No.2 (prosecutrix). As per that report, as on the date of test *i.e.*, 21.04.2025, the prosecutrix's age has been estimated to be between 18 to 19 years.
6. As was pointed-out by learned counsel for the petitioners on the last date of hearing, in line with the decision of a Division Bench of this court in ***Court its Own Motion vs. State (NCT of Delhi)***¹ while relying upon a bone ossification test for purposes of legal proceedings, the *upper age* given in the reference range is to be considered as the age of the victim; and furthermore, accounting for 'margin of error', a margin of *two years above* the upper reference range is to be applied for deciding the age for purposes of a case.
7. Accordingly, the petitioners' contention is that on the date of the incident *i.e.*, on or about 07.03.2023, when respondent No.2 is stated to have eloped with petitioner No.1, she would have been about 19

¹ 2024:DHC:4915-DB



years of age. In these circumstances, it is submitted that the offences under sections 6/17/21 of POCSO would not be attracted.

8. Learned counsel further points-out, that as narrated in the chargesheet, before the incident occurred the parties had already got married in the village. It is submitted that this has also been stated by the prosecutrix in her statement recorded under section 164 of the Code of Criminal Procedure, 1973.
9. The court has interacted with respondent No.2, as also with the petitioners, who have confirmed that they have now resolved the matter amicably. Respondent No.2 has confirmed that she is now residing with petitioner No.1 alongwith their 02-year old child. Parties now wish to live in peace and harmony going forward.
10. Mr. Anand V. Khatri, learned ASC submits that in the circumstances, the State has no objection to the subject FIR being quashed.
11. 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.
12. Accordingly, case FIR No. 158/2023 dated 09.03.2023 registered under section 363 IPC at P.S.:Vasant Kunj South, Delhi is quashed. All proceedings arising therefrom also stand closed.



13. Petition stands disposed-of.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 17, 2026/ak