

(2025) 07 DEL CK 0775

In the Delhi High Court

Case No : Criminal Miscellaneous Petition No. 558 Of 2025, Criminal Miscellaneous Application Nos 2658, 2657, 2659 Of 2025

Mahesh Kumar

APPELLANT

Vs

State Govt. Of Nct Of Delhi And Anr

RESPONDENT

Date of Decision : 02-07-2025

Acts Referred:

Code of Criminal Procedure, 1973 — Section 164
Indian Penal Code, 1860 — Section 363, 366, 366A, 376
Protection of Children from Sexual Offences Act, 2012 — Section 6

Citation : (2025) 07 DEL CK 0775

Hon'ble Judges : Girish Kathpalia, J

Bench : Single Bench

Advocate : Jitender Singh, Renuka Singh, Laksh Khanna

Final Decision : Allowed

Judgement

Girish Kathpalia

1. The petitioner seeks quashing of FIR No.161/2019 of PS Patel Nagar for offence under Section 363/366/366A/376 IPC & Section 6 POCSO Act. The quashing is sought on the ground that the FIR was registered under wrong advice and now petitioner has settled the disputes with victim (respondent no.2).
2. Learned APP accepts notice for the State. Respondent no.2 (victim) present in Court with her mother and identified by Investigating Officer/SI Jaspreet Pannu also accepts notice.
3. It appears that the impugned FIR was registered on the basis of a missing complaint lodged by mother of the victim. Subsequently during investigation, it came out that the victim, aged 19 years had eloped with the petitioner as they were involved in a love affair and got married. According to prosecution, the victim was aged less than 18 years when she eloped whereas according to statement of victim recorded under Section 164 CrPC, she was aged 19 years

and her age in the Aadhar Card was wrongly mentioned for the purposes of school admission.

4. I have spoken with the petitioner and respondent no.2 as well as her mother present in Court. It is submitted by them that now parents of respondent no.2 have also accepted marriage between petitioner and respondent no.2, who are living happily. Petitioner and respondent no.2 also now have two children. Mother of respondent no.2, on whose complaint the FIR was registered submits that she is happy with the relationship between petitioner and respondent no.2, so does not wish to pursue his prosecution.

5. Detailed statements of parties have already been recorded by the concerned Joint Registrar. State has no objection to this petition, considering the peculiar facts of this case.

6. Considering the above circumstances, I am satisfied that it would be in the interest of justice not to push the parties through trial. Therefore, the petition is allowed and accordingly, FIR No.161/2019 of PS Patel Nagar for offence under Section 363/366/366A/376 IPC & Section 6 POCSO Act and proceedings arising out of the same are quashed. Pending applications also stand disposed of.