

(2025) 07 DEL CK 0793

In the Delhi High Court

Case No : Criminal Miscellaneous Petition No. 3315 Of 2025

Shahbaz Alam Khan

APPELLANT

Vs

State Of Nct Of Delh & Anr

RESPONDENT

Date of Decision : 03-07-2025

Acts Referred:

Indian Penal Code, 1860 — Section 354, 354D, 452, 506

Protection of Children from Sexual Offences Act, 2012 — Section 8, 12

Citation : (2025) 07 DEL CK 0793

Hon'ble Judges : Girish Kathpalia, J

Bench : Single Bench

Advocate : Shailesh Kumar Sinha, Ravi Kumar, Nawal Kishore Jha

Final Decision : Allowed

Judgement

Girish Kathpalia

1. The petitioner has sought quashing of FIR No. 426/2018 of PS Jamia Nagar for the offence under Section 354/354D/452/506 IPC read with Section 8/12 of the POCSO Act. Learned APP for State and respondent no.2 in person accept notice. The quashing is sought on the basis of settlement between petitioner and prosecutrix (respondent no. 2), who are cousins.

2. Learned counsel for petitioner contends that the offence under POCSO Act is not even made out from the FIR. This contention is not challenged by learned APP. There is no serious objection from State in view of the peculiar circumstances of this case.

3. The Investigating Officer has identified petitioner and respondent no.2 in Court.

4. I have spoken with petitioner and respondent no. 2 as well as her parents in Hindi. It is stated by them that since petitioner and respondent no. 2 are cousins, under mistaken social beliefs, the petitioner remained under the impression that he would get married with respondent no. 2. It is further submitted by them that

petitioner is married and has two daughters and is living in his native village in Bihar. Broadly speaking, the allegation against the petitioner is that he threatened to forcibly put a ring on finger of respondent no. 2 and in the process pushed her mother, but was stopped by her uncle. Petitioner undertakes before the Court not to repeat his misconduct.

5. Respondent no. 2 and her parents submit that they do not wish to pursue prosecution of petitioner as respondent no. 2 is of marriageable age though studying presently.

6. Detailed statements of parties were recorded by the concerned Joint Registrar.

7. Having spoken with parties at length, I am satisfied that it would be in the interest of justice not to push them through trial.

8. Therefore, the petition is allowed and accordingly, FIR No. 426/2018 of PS Jamia Nagar for the offence under Section 354/354D/452/506 IPC read with Section 8/12 of the POCSO Act and proceedings arising out of the same are quashed.