



2025:DHC:6165



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of decision: 23th July, 2025

+ CRL.M.C. 5195/2023 and CRL.M.A. 19827/2023

SUNEEL KUMAR

.....Petitioner

Through: Mr. Pradeep Shehrawat, Advocate
along with petitioner in person.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms. Priyanka Dalal, APP for the State
with SI Vivek Singh, PS – Sarojini
Nagar and
Prosecutrix in person.

**CORAM:
HON'BLE MR. JUSTICE ARUN MONGA**

ARUN MONGA, J. (Oral)

1. Petition herein is for compromise quashing of FIR No. 224/2019 dated 29.11.2019, registered at P.S. Sarojini Nagar, New Delhi, for offences under Sections 363, 366A, 376 IPC and Section 6 of the POCSO Act.
2. The facts of this case are somewhat unusual. The prosecutrix, who is now married to the petitioner/under trial-accused, has appeared in person in support of the present petition. She on her own volition candidly states that she left her parental home of her own free will, due to persistent threats and abuse from her family members who opposed her relationship with the petitioner.



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3. According to her Aadhaar Card, the prosecutrix was born on 24.02.2001, making her over 18 years of age at the time of her elopement and marriage on 28.11.2019. However, the FIR was registered on the false premise that she was a minor.

4. On 14.09.2020, she was recovered and found to be four months pregnant. She later gave statements before the Child Welfare Committee and the Magistrate under Section 164 Cr.P.C., confirming that she had willingly married the petitioner and was carrying his child. Their daughter was born on 12.02.2021. In fact, in course of hearing today, it so transpires that they are again in the family way, since the prosecutrix is at an advanced stage of pregnancy, as disclosed by her, and they are soon expecting their second child from the wedlock.

5. Thus, it appears that the parties are now not only legally married, but are bliss of happy marriage, living peacefully with their minor 4 years child with and another to be born soon. Continuing with the criminal proceedings would not only cause grave injustice but would also hinder their right to live with dignity as a family.

6. While this Court is aware that offences under the POCSO Act are serious and typically not quashed on the basis of compromise, the present case is distinguishable. The prosecutrix was, in fact, a major, and the FIR appears to have been lodged under parental pressure based on incorrect facts.

7. The prosecutrix was legally a major (above 18 years) at the time of the alleged offence/marriage, is evidenced by her Aadhaar card. The protection of the POCSO Act, meant for minors, is therefore not attracted in



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the present case. Moreover, as noted already, the prosecutrix has consistently maintained and even stated before the Court today including in her earlier statement under Section 164 Cr.P.C., that she voluntarily left her parental home, married the petitioner of her own volition, and is now living peacefully with him, with no allegation of coercion or lack of consent from her side.

8. The FIR thus, appears to have been lodged under pressure from her family, who were opposed to the relationship, and it was based on incorrect claims regarding her age and lacks any substantive basis. The FIR, therefore, seems to be a retaliatory measure by the prosecutrix's family, motivated by personal animosity and social prejudice, rather than any genuine legal grievance. I have interaction with the couple present in the court, it transpires that the relationship between them developed through mutual affection, resulting in a consensual marriage, with the prosecutrix unequivocally exercising her right to choose her life partner.

9. There is no allegation that the petitioner used force, deceit, or any exploitative means to induce the prosecutrix into a relationship or marriage, and her volition and exercise of her right to choose her partner has been clearly expressed.

10. The parties have built a family unit; continuing the prosecution would destabilize their lives and potentially harm the welfare of the child. The continuation of the criminal case would serve no societal or public interest. On the contrary, it would rather inflict unnecessary trauma on a consensual relationship that has now evolved into a legal marriage.



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11. Given the factual circumstances and the prosecutrix's own stand, the criminal proceedings appear to be an abuse of the process of law, initiated with mala fide intent to interfere in a personal relationship. The prosecutrix herein is a consenting adult and the relationship has culminated in marriage. The ends of justice thus warrant quashing of proceedings under Section 528 of BNSS, as per guidelines laid down in *Gian Singh v. State of Punjab, (2012) 10 SCC 303*.

12. Continuing the prosecution in present case would serve no meaningful purpose as neither are there any chances of conviction, in fact negligible, nor even otherwise the genesis of the very FIR seems to have any foundation. While quashing of the proceedings, on the other hand, would protect the sanctity of marital life, prevent unnecessary harassment, and uphold the right of the couple to lead a peaceful and stigma-free existence. In the larger interest of justice, it is, therefore, an appropriate case to quash the criminal proceedings to enable the couple to lead a peaceful and dignified life.

13. In the premise, in exercise of inherent powers to prevent the abuse of process of law, the present petition is allowed and FIR No. 224/2019 dated 29.11.2019 registered at P.S. Sarojini Nagar, New Delhi, and all consequential proceedings arising therefrom, are hereby quashed.

14. Pending application, if any, also stands disposed of.

ARUN MONGA, J

JULY 23, 2025

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