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

Judgment delivered on: 16.04.2026

\+ W.P.(CRL) 1985/2025

HARMEET SINGH .....Petitioner

Through: Mr. Lokesh Kumar Mishra with Mr. Abhishek Kaushik, Mr. Nadeem Ahmed, Advocates and petitioner in court.

versus

STATE OF GNCT DELHI AND ANR. .....Respondents

Through: Mr. Anand V Khatri, ASC for the State with SI Pinki Rana, P.S.: Malviya Nagar.
R-2 in court.

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

J U D G M E N T

ANUP JAIRAM BHAMBHANI, J.

The life of the law has not been logic; it has been experience.

- Oliver Wendell Holmes Jr.

The present case is a compelling instance that brings into focus the prescient words of Justice Holmes, since it exposes the disconnect between a rigid legal construct and the human lives it seeks to govern.

2. By way of this petition filed under Article 226 of the Constitution of India read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioner (accused), who is the husband of respondent No.2 (prosecutrix), seeks quashing of case FIR No.279/2025 dated 13.06.2025 registered under section 64(1) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') and section 6 of the Protection

of Children from Sexual Offences Act, 2012 ('POCSO Act') at P.S.: Malviya Nagar, South Delhi.

3. The petition is premised on the 'consent' of the complainant, who is arrayed as respondent No.2 in the petition. It is not disputed that at the time of commission of the alleged offences, respondent No.2 was 'minor' *i.e.,* below the age of 18 years, for which reason an offence under section 6 of the POCSO Act has also been alleged against the petitioner.

4. Though otherwise, the matter is based on the consent of the parties, the factual matrix of the matter that presents certain legal challenges is the following:

   4.1. The offences alleged are stated to have been committed by the petitioner against respondent No.2 in or about September 2024. Since the petitioner's date of birth is 03.07.2002; and the date of birth of respondent No.2 is 30.06.2007, admittedly, at the time of commission of the alleged offences, the petitioner was about 22 years of age, while the prosecutrix was about 17 years old.

   4.2. On her own, respondent No.2 has made no complaint against the petitioner; and the subject FIR came to be registered at the instance of the doctors at Safdarjung Hospital, New Delhi, where the prosecutrix had gone for delivering her baby; and the attending doctors discovered that she was minor. This led the doctors at Safdarjung Hospital to inform the police, in compliance with their legal obligation under section 21 of the POCSO Act.

4.3. In the petition, the petitioner and respondent No.2 state that they got married according to Sikh rites and rituals at Ambala, Haryana on 04.09.2024; and at that time, the petitioner was about 22 years of age; and the prosecutrix was about 17 years old. It is further stated that on 12.06.2025 a male child was born from the wedlock. A copy of Marriage Certificate dated 18.06.2025 has been appended as Annexure-P4 to the petition.

4.4. The petitioner and respondent No.2 are stated to be residing as spouses alongwith their child, with the petitioner's family.

4.5. In the present proceedings, respondent No.2 – the prosecutrix – has filed an affidavit, stating that she has no grievance against the petitioner; that she has married him of her own volition; and is residing happily and peacefully in her matrimonial home. She has further stated, that their child is born from the wedlock; that she does not wish to pursue any further proceedings in the subject FIR; and that she has no objection if the subject FIR and all proceedings arising therefrom are quashed. Statements to the above effect have also been recorded before the learned Joint-Registrar of this court.

4.6. In performance of their duties, upon registration of the subject FIR, the police have investigated the matter. However, no chargesheet has been filed in the case, at least as of the date of the filing of the present petition.

4.7. Yet again, in the course of her interaction with the court in the present proceedings on 02.02.2026, respondent No.2 has reiterated her unequivocal support for the quashing of the subject

FIR and of all proceedings arising therefrom, categorically stating that not doing so would have disastrous consequences on her, since the young family that she and the petitioner have started alongwith their infant would be destroyed if the petitioner is prosecuted and sentenced to imprisonment. She has said that the petitioner has committed no offence against her; that she was a willing participant in the physical relationship with the petitioner; and if the petitioner is sentenced, it would leave the prosecutrix and her child bereft of any support and sustenance alongwith all consequential results.

5. In the above backdrop, the court must deal with the following complex legal dilemmas:

   5.1. Can there be an 'offence' if no loss or injury has been claimed to have been suffered by a 'victim', as statutorily defined?

   5.2. Should a penal provision be so applied that it results in grave consequences on the *de-juré* victim?

6. It would be instructive to begin with the Statement of Objects and Reasons of the POCSO Act, which reads as follows:

> *STATEMENT OF OBJECTS AND REASONS: Article 15 of the Constitution, inter alia, confers upon the State powers to make special provision for children. Further, article 39, inter alia, provides that the State shall in particular direct its policy towards securing that the tender age of children are not abused and their childhood and youth are protected against exploitation and they are given facilities to develop in a healthy manner and in conditions of freedom and dignity.*
>
> *2. The United Nations Convention on the Rights of Children, ratified by India on 11th December, 1992, requires the State Parties to undertake all appropriate national, bilateral and multilateral measures to prevent*

(a) the inducement or coercion of a child to engage in any unlawful sexual activity;

(b) the exploitative use of children in prostitution or other unlawful sexual practices; and

(c) the exploitative use of children in pornographic performances and materials.

3. The data collected by the National Crime Records Bureau shows that there has been increase in cases of sexual offences against children. This is corroborated by the 'Study on Child Abuse: India 2007' conducted by the Ministry of Women and Child Development. Moreover, sexual offences against children are not adequately addressed by the existing laws. A large number of such offences are neither specifically provided for nor are they adequately penalised. ***The interests of the child, both as a victim as well as a witness, need to be protected. It is felt that offences against children need to be defined explicitly and countered through commensurate penalties as an effective deterrence****.*

4. It is, therefore, proposed to enact a self contained comprehensive legislation inter alia to provide for protection of children from the offences of sexual assault, sexual harassment and pornography ***with due regard for safeguarding the interest and well being of the child at every stage of the judicial process****, incorporating child-friendly procedures for reporting, recording of evidence, investigation and trial of offences and provision for establishment of Special Courts for speedy trial of such offences.*

5. The Bill would contribute to enforcement of the right of all children to safety, security and protection from sexual abuse and exploitation.

6. The notes on clauses explain in detail the various provisions contained in the Bill.

7. The Bill seeks to achieve the above objectives.

(emphasis supplied)

7. A child as a 'victim' is therefore at the centre of the scheme and purpose of the POCSO Act. However, the POCSO Act does not define

a 'victim' in the statute. Instead it relies upon definitions contained in other statutes. Section 2(2) of the POCSO Act reads as follows:

> ***2. Definitions.****—(1) In this Act, unless the context otherwise requires, —*
>
> *(2) The words and expressions used herein and not defined but defined in the Indian Penal Code (45 of 1860), the Code of Criminal Procedure, 1973 (2 of 1974), the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) and the Information Technology Act, 2000 (21 of 2000) shall have the meanings respectively assigned to them in the said Codes or the Acts.*

8. In light of the residual definition clause referred to above, it would be relevant to refer to the definition of a "victim" under section 2(wa) of the Code of Criminal Procedure, 1973 ('Cr.P.C.'). The Cr.P.C. defines "victim" as follows:

> ***2. Definitions.****—In this Code, unless the context otherwise requires,—*
>
> *(wa) "victim" means* ***a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person*** *has been charged and the expression "victim" includes his or her guardian or legal heir;*

(emphasis supplied)

9. For completeness, it may be noted that section 2(1)(y) of the BNSS defines "victim" in almost exactly the same words as section 2(wa) of the Cr.P.C. Section 2(1)(y) of the BNSS reads thus:

> *2.* ***.Definitions.****— (1) In this Sanhita, unless the context otherwise requires,—*
>
> *(y) "victim" means* ***a person who has suffered any loss or injury caused by reason of the act or omission of the accused person*** *and includes the guardian or legal heir of such victim;*

(emphasis supplied)

10. From the above definitions, it is evident that for there to be a 'victim', a person must have suffered loss or injury by reason of an act or omission of another, namely the offender.

11. Equally, it is the indisputable position that the *consent* of a minor victim is of no legal value; and since a minor cannot give consent, perhaps it also requires a longer debate to examine if a victim who subsequently turns major, can *condone* an act that was done when the victim was a minor. This court would therefore not delve into the issues of *consent* or of *ex-post-facto condonation* of an act or omission by a minor.

12. The question that this court would venture to answer in the present case is as to what would be the correct course of action when a *minor* who the law declares to be a *victim* – who we may call a *de-juré* victim – disclaims that she has suffered " … … *any loss or injury caused by reason of the act or omission of the accused person … …"* as required by the statutory definition of a *victim.*

13. The essence of the consideration is that there may be cases, where there is a *de-juré* victim but no *de-facto* victim, since no one has complained that they suffered any injury or loss at the hands of another.

14. In the 4th Volume of his scholarly work titled *"The Moral Limits of The Criminal Law,"* Joel Feinberg, a social philosopher and professor of law at the University of Arizona (now deceased) has analysed situations of 'harmless wrongdoing' and 'victimless crimes'. Situations involving consensual adolescent relationships under the POCSO framework produce what may be described, in Feinberg's terms, as a "*crime without a victim*." Even where neither party experiences harm in

any ordinary sense, and no complaint is forthcoming, the legal framework operates on a normative assumption that *harm* inheres in the act *by reason of minority*. Feinberg's distinction is useful here: not all wrongs are *harms*, and not all *harms* are wrongs, since a *harm* in the strict sense requires both a setback to interests of the person wronged and a violation of their rights. In consensual adolescent relationships, the lived experience of the parties, that is the absence of felt injury or grievance, suggests the absence of harm inasmuch as there is no setback to interests. However, the law treats the minor's consent as legally irrelevant, thereby converting what may be a non-harmful experience for the minor into a *wrong* by construing it as a violation of the minor's legally protected rights.

15. This produces a conceptual dissonance: the minor girl is constructed as a victim not because of any demonstrable harm that she may have endured, but because the statutory framework denies her capacity for valid consent. A strict textual approach to the law, when deployed in cases such as the present one, in effect, prioritises a protective, statute-based understanding of harm over lived reality, thereby collapsing the distinction between actual victimhood and presumed vulnerability. The result is a peculiar scenario where the *victim* neither claims nor experiences *harm*, yet the legal framework insists on her victimhood, and the offender-status of the *accused*.

16. The other consideration that would weigh with this court is whether a court should press-on with pedantic enforcement of the law, with no heed to the consequences that would befall a victim by such enforcement. What should the court do if it finds that enforcing the

letter of the law, would in fact, result in serious *re-victimisation* of the *de-juré* victim, despite the fact that the *victim* says that she has suffered no loss or injury at the hands of the accused.

17. On examining their decisions, the view taken by the Supreme Court and the various High Courts across the country, may be summarised as follows[1] :

S.No.	Case Title	Supreme Court/Date	Circumstances & Result
1.	*K. Kirubakaran vs. State of T.N.* 2025 SCC OnLine SC 2307	28.10.2025	Parties married during the pendency of appeal against conviction in the high court; parties cohabiting; one child; conviction **set aside**
2.	*Mahesh Mukund Patel vs. State of U.P.* 2025 SCC OnLine SC 614	28.02.2025	Parties married subsequent to FIR; parties cohabiting; one child; **quashed**

S.No.	Case Title	High Court/Date	Circumstances & Result
1.	*Akash vs. State of U.P.* 2026 SCC OnLine All 1619	Allahabad HC 01.04.2026	Complainant was prosecutrix's father; prosecutrix voluntarily left her house and married the accused; one child; **quashed**

[1] Cases have been set-out in reverse chronology

2.	*Aalgiya Sandipbhai Chandubhai vs. State of Gujarat* CR.MA- 4402/2026	Gujarat HC 01.04.2026	Complainant was prosecutrix's mother; parties married subsequent to FIR (prosecutrix then major); parties cohabiting; **quashed**
3.	*Abhishek vs. State of H.P* 2026 SCC OnLine HP 2332.	Himachal Pradesh HC 25.03.2026	FIR lodged at the instance of hospital authorities when the prosecutrix went for a medical check-up; parties were married; two children; **quashed**
4.	*Munna Harendra Gupta vs. State of Gujarat & Anr.* CR.MA- 5953/2026	Gujarat HC 23.03.2026	Parties married and cohabiting; **quashed**
5.	*Sanju Singh Narwariya vs. State of M.P.* 2026 SCC OnLine MP 2971	Madhya Pradesh HC 13.03.2026	Complainant was the mother of the prosecutrix; parties married; cohabiting; **quashed**
6.	*Kundan Lal vs. State of H.P.* 2026 SCC OnLine HP 1743	Himachal Pradesh HC 12.03.2026	FIR lodged at the instance of hospital authorities where the prosecutrix delivered her child one year after her marriage with the accused; parties cohabiting; **quashed**
7.	*Shalenbor Wahlang vs. State of Meghalaya* 2026 SCC OnLine Megh 152	Meghalaya HC (Division Bench) 12.03.2026	Complainant was the grandmother of the prosecutrix; parties were married; one child; **quashed**

8.	*Neelesh vs. State of M.P.* 2026 SCC OnLine MP 3826	Madhya Pradesh HC 26.02.2026	Parties have married; cohabiting; **quashed**
9.	*Ravikumar vs. State of Kerala* 2026 SCC OnLine Ker 2987	Kerala HC 25.02.2026	Parties married; cohabiting as husband and wife; **quashed**
10.	*Mohammad Parwej vs. State (NCT Of Delhi)* 2026 SCC OnLine Del 1030	Delhi HC 25.02.2026	Complainant was the mother of the prosecutrix; parties married and cohabiting; three children; **quashed**
11.	*Chethan Melinamani vs. State of Karnataka* 2026 SCC OnLine Kar 952	Karnataka HC 25.02.2026	Complainant was the sister of the prosecutrix; parties married and cohabiting; **quashed**
12.	*Akash Yadav vs. State of M.P.* 2026 SCC OnLine MP 1731	Madhya Pradesh HC 19.02.2026	Parties married and cohabiting; **quashed**
13.	*Golu Kumar Bharti vs. State of U.P.* 2026 SCC OnLine All 278	Allahabad HC 06.02.2026	Complainant was the brother of the prosecutrix; parties married and cohabiting; **quashed**
14.	*Anil Pal vs. State of M.P* 2026 SCC OnLine MP 640.	Madhya Pradesh HC 02.02.2026	Parties married and cohabiting; two children; **quashed**

15.	*Prince Raja vs. State of U.P.* 2026 SCC OnLine All 210	Allahabad HC 02.02.2026	Complainant as the father of the prosecutrix; parties married and cohabiting; **quashed**
16.	*Shadab vs. State of U.P.* 2026 SCC OnLine All 119	Allahabad HC 29.01.2026	Complainant was the father of the prosecutrix; parties married and have children; **quashed**
17.	*Valister vs. State of H.P.* 2026 SCC OnLine HP 233	Himachal Pradesh HC 01.01.2026	Parties voluntarily married and cohabiting; **quashed**
18.	*Saivan vs. State (NCT of Delhi)* 2025 SCC OnLine Del 9942	Delhi HC 12.12.2025	Complainant was the father of the prosecutrix; parties married; prosecutrix was 13 years of age at the time of the FIR/marriage; **NOT QUASHED**
19.	*Saurabh vs. State (NCT of Delhi)* 2025 SCC OnLine Del 9249	Delhi HC 26.11.2025	Parties married and did so voluntarily; fruitless proceedings; **quashed**
20.	*Prasanjeet Mandal Alias Denchu vs. State NCT of Delhi & Anr* CRL.M.C. 8123/2025	Delhi HC 17.11.2025	Parties married subsequent to FIR; prosecutrix gave birth when she was 16-17 years of age; **NOT QUASHED**

21.	*Aman Gupta vs. State Govt. Of NCT of Delhi & Anr.* CRL. M.C. 1469/2025	Delhi HC 28.11.2025	Parties married subsequent to complaint; prosecutrix gave birth to her child at 17 years of age; **NOT QUASHED**
22.	*Wasiullah vs. State of U.P.* 2025 SCC OnLine All 7649	Allahabad HC 20.11.2025	Complainant was the mother of the prosecutrix; parties married and cohabiting; one child; **quashed**
23.	*Prince Kumar Sharma & Ors. vs. State NCT of Delhi*, 2025 SCC OnLine Del 8426	Delhi HC 14.11.2025	FIR came to be lodged upon receiving intimation on domestic violence helpline; parties were married and cohabiting; prosecutrix found to be minor upon inquiry; **NOT QUASHED**
24.	*Manikandan vs. State* 2025 SCC OnLine Mad 16179	Madras HC 09.09.2025	parties married and have a child; **quashed**
25.	*J vs. State (NCT of Delhi)* 2024 SCC OnLine Del 9232	Delhi HC 14.10.2024	Complainant was the father of the prosecutrix; parties married subsequently; parties cohabiting for nine years; one child; **quashed**
26.	*Ranjeet Kumar vs. State of H.P.* 2023 SCC OnLine HP 1625	Himachal Pradesh HC 08.12.2023	Parties married subsequent to complaint; parties cohabiting; **quashed**

27.	*Rihan vs. State (Govt. of NCT Delhi) & Anr.* 2023 SCC OnLine Del 4436	Delhi HC 25.07.2023	Parties married and cohabiting; two children; **quashed**
28.	*Erickson Lyngdoh vs. State of Meghalaya* 2022 SCC OnLine Megh 648	Meghalaya HC 05.12.2022	Complaint was lodged at the instance of the mother of the prosecutrix who found out the pregnancy of the prosecutrix upon medical examination; parties married subsequently; one child; **quashed**
29.	*Rajiv Kumar vs. State of U.P.* 2022 SCC OnLine All 1579	Allahabad HC 21.09.2022	Complainant was the maternal uncle of the prosecutrix; parties voluntarily married and cohabiting; one child; **quashed**

18. The predominant view of High Courts across the country therefore appears to be to quash proceedings where the *de-juré* victim disclaims that she has suffered any loss or injury, especially in cases where the parties have subsequently married and have children, *inter-alia* to preserve the future of the parties and of the children borne by them. The common refrain of the courts across various jurisdictions has been, that continuing with trial in such cases would be an exercise in futility.

19. The few discordant notes against the view favouring quashing of such criminal proceedings, arise from the perspective that quashing proceedings under the POCSO Act *by consent of parties* would amount to condoning crimes against minors; premised on the principle that the *consent* of a minor is legally irrelevant and the principle that the court cannot carve-out an exception based on *consensual physical*

relationship with a minor, since offences under the POCSO Act are heinous offences of moral depravity and are crimes against the society. The view against quashing is also supported by the reasoning that a crime cannot be retrospectively legalised by settlement or marriage; and on the basis that judicial endorsement of the under-age marriage cannot be permitted.

20. But the overwhelming majority of decisions have gone with the view that *overarching considerations of substantial justice must override didactic enforcement of the statute*.

21. Our own High Court has, in at least four cases, refused to quash proceedings under the POCSO Act based on consent and marriage of the parties with the following essential reasoning:

    21.1. In ***Saivan vs. State (NCT of Delhi)***[2] the Co-ordinate Bench has said:

> "*7. This is precisely the kind of matter in which the statutory framework of the POCSO Act sits uneasily with lived reality and the tension between the two is stark. The material placed on record suggests a purported marriage of the victim at the age of about 13 years and the sexual relationship between petitioner and respondent started when she was certainly a child. It is pertinent to note that the contention of the petitioner that the prosecutrix was a major at the time of offence is a matter to be determined during the trial.*
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> * * * * *
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> "*9. Quashing in such case, where there are specific allegations of rape of minor on the basis of the settlement, are not desirable. Further, as per the settled law which has*

[2] 2025 SCC OnLine Del 9942

been consistently held by the Apex Court as well as this Court in several occasions, the consent of minor is no consent. Thus, even if respondent no.2 affirms to marriage with petitioner, it would be deemed as no consent.

"*10. This Court has, in unambiguous terms and on multiple occasions, held that the power under Section 482 Cr. P.C. cannot be exercised to quash criminal proceedings on the basis of compromise where the offence is heinous, not private in nature, and has a serious impact on society, relying upon the Supreme Court and this Court's decisions in Laxmi Narayan v. Govt Of Nct, Delhi CRL. M.C. 3653/2015, RE: Right to Privacy of Adolescents, 2024 INSC 614, Suo Motu Writ Petition (C) No. 3/2023, and State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335. These precedents clearly emphasize that offences involving heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. transcend the realm of private disputes and affect the societal conscience at large. Therefore, when an incident of such nature and gravity is alleged, it cannot be characterized as a purely private offence having no serious impact on society.*

* * * * *

"*14. If the Respondent no.2 has made a false allegation, then such complainant should be dealt with in accordance with law.*

"*15. An order quashing the prosecution in such circumstances would almost inevitably be perceived as judicial endorsement of the notion that underage marriages can be insulated from legal consequences merely because the parties later present themselves as a settled family. Courts cannot overlook the real possibility that what appears to be apparent consent by a 13-year-old may in fact be the result of familial pressure or entrenched community expectations. Snuffing out the prosecution at the threshold would risk conveying the message that child marriages and sexual relationships with minors can be retrospectively legitimized by arranging a ceremony and continuing cohabitation. Such an approach would run squarely*

contrary to the legislative intent underlying both the POCSO Act and child marriage laws, which are designed to deter early marriage and prevent sexual exploitation of children."

21.2. Also, in ***Prasanjeet Mandal Alias Denchu vs. State NCT of Delhi & Anr.***[3] a learned Single Judge has taken the view:

> "*7.Prima facie, the fact that the victim gave birth when she was 16-17 years of age is sufficient to make out the alleged offence under POCSO Act. High Court while exercising inherent jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, or even writ jurisdiction under Article 226 of the Constitution of India, cannot legalise the serious crime of sexual intercourse with a minor on account of "consent".*
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> "*8. It is well-settled that the consent of a minor holds no relevance as the law itself deems minors as being incapable of consenting to sexual intercourse. POCSO Act is helmed on the object of protecting children from being victimised. When the law itself does not provide for any exception based on consent, endorsement of underage pregnancies or marriages will frustrate the very purpose of the Act. This Court thus cannot lend legitimacy to such relations by quashing the FIR.*"

21.3. Again in ***Prince Kumar Sharma and Ors. vs. State (NCT of Delhi) & Anr.***[4] a learned Single Judge has very eloquently articulated his views as follows:

> "*7. Seeing the victim with her infant child brings home that these proceedings are tied to the stability of a young family. At the same time, this is precisely the kind of matter in which the statutory framework of the POCSO Act sits uneasily with lived reality and the tension between the two is stark.*

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[3] Order dated 17.11.2025 in CRL.M.C. No.8123/2025

[4] 2025 SCC OnLine Del 8426

"*8. The material on record suggests a purported marriage of the victim at the age of about 16 years and 5 months, and that the sexual relationship between her and Petitioner No. 1 also commenced when she was certainly a child. She became pregnant; the paternity of the child is not in dispute; and the parties are now living together with their baby as a family unit. On a purely human plane, therefore, the instinctive response is to ask : if the relationship has stabilised into a family, the child has been born, and the victim herself does not seek to criminalise the man, why not quash the FIR?*

"*9. The difficulty is that the legal position is not ambivalent. At the time of the incident, the victim was indisputably a child as per the definition under the POCSO Act. The statutory scheme of the Act proceeds on a clear and deliberate premise. Section 2(1)(d) defines a 'child' as any person below the age of 18 years. The offence-creating provisions, such as Sections 3 and 7, criminalise specified sexual acts 'with a child'. Unlike Section 375 of the IPC, these provisions do not employ expressions such as 'without her consent' or 'against her will' as ingredients of the offence. Once it is shown that the victim was below 18 years of age on the date of the occurrence and that the physical acts described in the charge fall within the contours of Sections 3 or 7, the offence is, in principle, complete.*

"*10. In other words, the Act does not treat absence of consent as a constituent element when the victim is a child. The law proceeds on the footing that a child lacks the legal capacity to consent to sexual activity, and that any such activity with a person below 18 is inherently exploitative. The apparent willingness of the child, howsoever genuine it may appear on facts, does not carry exculpatory value in determining guilt. The concept of 'age of consent' is thus built into the definition of 'child' itself; by fixing the age at 18, the Parliament has consciously removed the space for a defence founded on so-called consensual participation by a minor.*

"*11. This approach is reinforced by the presumptions engrafted in Sections 29 and 30. Where the prosecution*

establishes the foundational facts that the accused committed the acts charged under the relevant provisions with a person who is a 'child', the court is required to presume that the accused has committed the offence and that the requisite culpable mental state was present, unless the contrary is proved. The child's statement that he or she 'went of his/her own accord' or was in a relationship with the accused may have a bearing on issues such as bail, sentencing, or the exercise of extraordinary jurisdiction in rare and hard cases, but it does not negate the ingredients of the offence under the POCSO Act.

"*12. The Supreme Court, while examining allied questions under the IPC and POCSO, has consistently recognised that consent of a person below the statutory age has no legal efficacy in the context of sexual offences. The philosophy that underlines POCSO is that of heightened protection, not neutrality, in respect of adolescent sexuality. Courts may, therefore, be slow to use the language of 'consensual sex' where one party is a child in terms of the statute. The proper inquiry in such cases is not whether the minor consented, but whether the prosecution has established the child's age and the occurrence of the proscribed act; once those elements stand proved, the supposed consent of the minor cannot be invoked as a defence to criminal liability.*

"*13. The present case is not a borderline matter of age determination, nor is there any genuine doubt on this aspect emerging from the record. The pregnancy of the victim, as a result of sexual intercourse with Petitioner No.1, leaves no real dispute about the occurrence of the sexual act. Once it is accepted that she was below 18 years of age at the relevant time, the case falls squarely within the ambit of the POCSO Act. Under the POCSO Act, read with the then prevailing provisions of the IPC, any sexual act with a person under 18 is criminalised per se, without importing "consent" as a constituent element once the victim is a child.* ***Since the Parliament has fixed 18 as the age below which the law refuses to recognise sexual consent, this Court, exercising jurisdiction under Article 226 of***

the Constitution, cannot, in the guise of doing equity, write in a judge-made exception for "near-majority, consensual relationships". To do so would be to cross the line from interpretation into legislation. Subsequent developments in the relationship, however compelling in equity, the couple living together, the birth of a child, the victim's present stance, cannot retrospectively legalise conduct which the law, at the time it occurred, treated as an offence*. At this pre-trial stage, where the essential ingredients of the offence are disclosed and there is no patent abuse of process, there is no room for quashing the proceedings.*

"*14. There is, moreover, a wider institutional concern. The present case does not involve only two young persons who chose to live together; the parents of both sides stand arraigned under the Prohibition of Child Marriage Act, 2006 on the allegation that they facilitated or condoned a marriage involving a minor girl. An order quashing the prosecution in such circumstances would almost inevitably be perceived as judicial endorsement of the notion that underage marriages can be insulated from legal consequences, so long as the parties subsequently present themselves as a settled family. Courts cannot ignore the possibility that what appears, on the surface, as voluntary acquiescence by a 16-year-old may, in fact, be the product of familial pressure or community expectations, especially once pregnancy has occurred.* ***To snuff out the prosecution at the threshold would risk sending a message that child marriages and sexual relationships with minors can be retrospectively sanitised by arranging a ceremony and continuing cohabitation****. That would sit squarely at odds with the legislative purpose of both POCSO and the child marriage law, which is to deter early marriage and sexual exploitation of children.*

"*15.* ***The Court is not indifferent to the victim's wish to protect her family. In fact, this Court is moved by the circumstances, but it is bound by the statute. This is, therefore, one of those hard cases where the pull of equity is strong, but the command of the statute is stronger****. This Court, for securing the ends of justice, cannot carve out an*

exception to the statute merely because the victim describes the relationship as consensual."

(emphasis supplied)

21.4. In ***Aman Gupta vs. State (NCT of Delhi)***[5] the Co-ordinate Bench has said:

> "*5. In the considered view of this Court, offences of the nature alleged particularly those involving sexual offences involving children cannot be nullified merely on the basis of settlements between the parties. Such offences, in the true sense, cannot be regarded as offences in personam and the same constitutes a crime against the society at large. Offences of such nature cannot be extinguished only at the convenience of the parties or because the victim, at a subsequent stage, decides to marry the culprit. Any such compromise or marriage does not ipso facto efface the gravity of the offence or wipe out the seriousness of the allegations.*
>
> "*6. Prima facie, the fact that the victim gave birth when she was around 17 years of age is sufficient to make out the alleged offence under POCSO Act. … …*
>
> "*7.* ***<u>While this Court is sympathetic to the plight of the parties, in the opinion of this Court, such acts cannot be legitimised or condoned</u>*** *by exercise of inherent jurisdiction of the High Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.*"
>
> (emphasis supplied)

21.5. Most importantly, in ***Ramji Lal Bairwa and Ors. vs. State of Rajasthan & Ors.***,[6] the Supreme Court has also rejected a prayer for quashing of a POCSO offence based on compromise, with the following significant observations:

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5 2025 SCC OnLine Del 8632

6 (2025) 5 SCC 117

"*9. Considering the conspectus of facts and taking note of the rival contentions, the following twin questions of relevance arise for consideration in this appeal:*

9.1. (I) Whether a third party to a criminal proceeding got locus standi to challenge the order quashing the FIR concerned and all further proceedings pursuant thereto based on a compromise arrived at by the parties, in a special leave petition under Article 136 of the Constitution of India?

9.2. (II) Whether the power to quash criminal proceedings or complaint or FIR in regard to heinous and serious offences having serious impact on society, is exercisable merely because the offender and victim or parent(s) of the victim arrived at a compromise, relying on the dictum laid down by this Court in Gian Singh case [Gian Singh v. State of Punjab, (2012) 10 SCC 303 : (2012) 4 SCC (Civ) 1188 : (2013) 1 SCC (Cri) 160 : (2012) 2 SCC (L&S) 988] ?

* * * * *

"*11. The learned Amicus Curiae relied on various decisions of this Court to drive home the point that when criminal proceedings are abruptly terminated based on compromise between the offender and the victim or on behalf of the victim by the parent(s), despite the alleged offence being one having an impact on the society and of heinous and serious in nature and still, the State did not take up the matter further in accordance with law, ignoring the fact that such quashment of the proceedings was done disregarding the opposition of the Public Prosecutor, a public-spirited person should be having the locus standi to challenge such an order in the interest of justice. It is furthermore submitted that in such circumstances if a public-spirited person is non-suited on the ground of locus standi it would only help the offender to escape even without facing the trial. Such situations may result in recurrence of commission of such offences detrimental to the interests of the society.*

* * * * *

"*17. The Objects and Reasons for the enactment of the POCSO Act, as extracted above, would undoubtedly show that quashment of proceeding initiated under the POCSO Act abruptly by invoking the power under Section 482 CrPC without permitting it to mature into a trial,* ***except on extremely compelling reasons ex facie mala fide initiated or initiated solely to settle the score, etc.*** *would go against the very intention of the legislature behind the enactment. As noted earlier, it is the inadequacy of the existing laws to address certain issues relating to sexual offences against the children that made the legislature to come up with the aforesaid legislation with a view to protect and respect the privacy and confidentiality of children and to ensure their physical, emotional, intellectual and social development.*

"*18. The POCSO Act also addressed the lack of provisions defining various offences against the children and also adequate penal provisions therefor. A careful scanning of the various provisions under the POCSO Act would reveal that with a view to achieve the aforesaid objects and purposes various offences against the children are specifically defined and provisions for adequate penalisation are also inserted in the Act. Obviously, rubbing the breast of a child would constitute an offence of "sexual assault" under Section 7 of the POCSO Act, punishable with imprisonment of either description for a term which shall not be less than three years and may extend to five years and also fine. They would reveal that the commission of such offences against the children should be viewed as heinous and serious. Needless to say, that commission of such offences cannot be taken lightly as offences of private nature and in fact, such offences are bound to be taken as offences against the society.*

* * * * *

"*37. A bare perusal of the impugned order dated 4-2-2022 [Vimal Kumar Gupta v. State of Rajasthan, 2022 SCC OnLine Raj 3564] would reveal that the High Court has erred in not bestowing proper consideration to the law laid down in Gian Singh case [Gian Singh v. State of Punjab,*

(2012) 10 SCC 303 : (2012) 4 SCC (Civ) 1188 : (2013) 1 SCC (Cri) 160 : (2012) 2 SCC (L&S) 988] while rendering the same. The impugned order [Vimal Kumar Gupta v. State of Rajasthan, 2022 SCC OnLine Raj 3564] would reveal that the allegations contained in the subject FIR were not at all even adverted to, before quashing the same……"

(emphasis supplied)

* * * * *

"*44. In view of the very object and purpose of enacting the POCSO Act, we find no reason to disagree with the conclusions in SCC OnLine Del para 12 extracted above in the given Sunil Raikwar case [Sunil Raikwar v. State, 2021 SCC OnLine Del 258]*. ***It is more so, when the extracted portion from the complaint that was annexed to the FIR and extracted hereinbefore would reveal that the accused was making pressure on him not to lodge any report. Despite giving such statement in the complaint, within a couple of weeks, the accused managed to compromise the case with the 4th respondent and his wife****.

"*45. In the decision relied on by the High Court to quash the proceedings viz. Gian Singh case [Gian Singh v. State of Punjab, (2012) 10 SCC 303 : (2012) 4 SCC (Civ) 1188 : (2013) 1 SCC (Cri) 160 : (2012) 2 SCC (L&S) 988] and the decision in Laxmi Narayan case [State of M.P. v. Laxmi Narayan, (2019) 5 SCC 688 : (2019) 2 SCC (Cri) 706] in unambiguous terms this Court held that the power under Section 482 CrPC could not be used to quash proceedings based on compromise if it is in respect of heinous offence which are not private in nature and have a serious impact on the society.* ***When an incident of the aforesaid nature and gravity allegedly occurred in a higher secondary school, that too from a teacher, it cannot be simply described as an offence which is purely private in nature and has no serious impact on the society****.

"*46. In view of the reasons as aforesaid and in the light of the decisions referred supra, the impugned order dated 4-2-2022 of the High Court in Vimal Kumar*

> *Gupta v. State of Rajasthan [Vimal Kumar Gupta v. State of Rajasthan, 2022 SCC OnLine Raj 3564], quashing FIR No. 6/2022 dated 8-1-2022 and all further proceedings pursuant thereto solely on the ground that the accused and the complainant had settled the matter, invites interference.* ***We have no hesitation to hold that in cases of this nature, the fact that in view of compromise entered into between the parties, the chance of a conviction is remote and bleak also cannot be a ground to abruptly terminate the investigation, by quashing FIR and all further proceedings pursuant thereto, by invoking the power under Section 482 CrPC****."*
>
> (emphasis supplied)

It is extremely important to note that *Ramji Lal Bairwa* was not a case of a purported compromise of an offence under the POCSO Act based on the parties subsequently getting married and settling down as a family with a young child in the picture, as is the case at hand. The attendant facts and circumstances in *Ramji Lal Bairwa* were that a school teacher had assaulted a student; and was then pressuring a compromise in the matter, which is what led the Supreme Court to hold against quashing of the offence under the POCSO Act in that case.

22. However, from a close reading of the rulings with similar factual circumstances as the present case, it can be gathered that the essential reasoning on which the courts have declined to quash proceedings involving offences under the POCSO Act are variously: that the consent of a minor is of no value in law; that an offence once committed cannot be condoned *ex-post-facto*; that the Legislature has left no room for condoning or compromising an offence under the POCSO Act; and that a High Court cannot, even in exercise of its inherent jurisdiction or constitutional powers, nullify the legislative intent behind the POCSO Act.

23. In fact, in *Prince Kumar Sharma* the learned Single Judge has lamented the consequences of being unable to quash proceedings under the POCSO Act, observing however, that the court is constrained by the dictate of the statute.

24. In none of these cases, however, has the court considered the aspect as to whether there was a *de-facto* victim in the picture, who wanted the offender to be prosecuted. The jurisprudential basis for the State being the prosecuting agency in criminal offences is to prevent a criminal prosecution from descending into an exercise in vengeance, where the victim goes baying-for-the-blood of the offender; and to maintain objectivity, neutrality, fairness and a sense of proportion in prosecution of an offender. On that very premise, the State should also not adopt a retributive line of action, when the *de-juré* victim says that she has suffered no loss or injury and does not seek to proceed against the offender.

25. To be absolutely sure, this court is *not* entering upon the realm of *consent* of a minor in relation to a POCSO offence; nor into any *ex-post facto condonation* of such offence. Though a crime can be reported at the instance of any complainant, who may not necessarily be the victim of the offence, in the opinion of this court it is yet central to a prosecution that there be a *de-facto* victim in the picture. This court is of the view that prosecuting a person on the shoulders only of a *de-juré* victim would not be the prudent approach; muchless so, when the consequences of such prosecution would befall the *de-juré* victim herself.

26. The long-deserved primacy to be accorded to a victim in the scheme of a criminal prosecution, was addressed by the Supreme Court in its verdict in ***Jagjeet Singh & Ors. vs. Ashish Mishra @ Monu & Anr.***,[7] in the following words :

> "*22.* ***It cannot be gainsaid that the rights of a victim under the amended CrPC are substantive, enforceable, and are another facet of human rights****. The victim's right, therefore, cannot be termed or construed restrictively like a brutum fulmen [Ed. : The literal translation from the Latin approximates to "meaningless thunderbolt or lightning", and is used to convey the idea of an "empty threat" or something which is ineffective.]* ***We reiterate that these rights are totally independent, incomparable, and are not accessory or auxiliary to those of the State under the CrPC****. The presence of "State" in the proceedings, therefore, does not tantamount to according a hearing to a "victim" of the crime.*
>
> "*23.* ***A "victim" within the meaning of CrPC cannot be asked to await the commencement of trial for asserting his/her right to participate in the proceedings. He/She has a legally vested right to be heard at every step post the occurrence of an offence. Such a "victim" has unbridled participatory rights from the stage of investigation till the culmination of the proceedings in an appeal or revision****. We may hasten to clarify that "victim" and "complainant/informant" are two distinct connotations in criminal jurisprudence. It is not always necessary that the complainant/informant is also a "victim", for even a stranger to the act of crime can be an "informant", and similarly, a "victim" need not be the complainant or informant of a felony."*
>
> (emphasis supplied)

27. Taking cue from the observations of the Supreme Court in *Jagjeet Singh*, this court is of the opinion that where there is no *de-facto* victim, the commission of a crime remains a mere jurisprudential construct. This is especially true where a victim herself denies having suffered

[7] (2022) 9 SCC 321

any loss or injury as required under section 2(wa) of the Cr.P.C. or section 2(1)(y) of the BNSS.

28. In its very recent decision in ***Ayyub Malik & Anr. vs. State of Uttarakhand & Anr.***,[8] the Supreme Court was dealing with a case where the High Court of Uttarakhand had dismissed a petition seeking quashing of criminal proceedings where the accused was charged with offences under sections 363/368/376(2)(d) of the Indian Penal Code 1860, as well as sections 5(8) and 6 of the POCSO Act. The case arose when the complainant's daughter, about 17 years of age, accompanied the accused and subsequently married him; and the allegation was that the daughter was minor at the time of the alleged incident. It was the contention of the parties that on the date of the marriage both were major, though at the time when the girl had accompanied the boy, she was minor.

29. In this broad backdrop, the Supreme Court overturned the order of the Uttarakhand High Court, with the following observations :

> "*5.2 A faint attempt was made by learned counsel for the respondent to try and submit that at the time of incident when the appellant ran away with appellant No.2, appellant No.2 was a minor and was not of marriageable age. On the other hand, it is claimed that the boy and girl had attained marriageable age when they entered into matrimonial relationship.* ***Whether appellant No.2 was minor of the age little less than the marriageable, whether appellant No.1 lured appellant No.2 and made her eloped with him and whether the conduct on the part of appellant No.1 was in the nature of offence alleged against him or not, are the questions which all pale into insignificance****.*

[8] 2026 INSC 331

"*5.3 The situation is obtained that now the parties voluntarily got married and started residing and living together to lead their married life without any complaint. It is noticeable that when the FIR was filed by the father of appellant No.2 on 01.06.2020, both the appellants had already married according to their own will and choice.* ***Presently, both are major and almost six years have elapsed since they are in matrimonial relationship with each other****.*

"*6.* ***It may be true that fleeing with a girl who is not of marriageable age and who is minor is an offence under law, however, the subsequent development of marriage between the two lovers and the fact that they have been merrily living would outweigh the need to take the alleged offence or the criminal proceedings to their logical end****.* ***In the fact situation like one obtained in the present one, continuation of criminal proceedings against appellant No.1 would become harassing and stand as an abuse of process of law****.*

> "*6.1 Any litigation brings a kind of botheration for the parties. The uncertainty of the outcome of the litigation always looms large. When it is a criminal case, its pendency becomes burdensome and worrisome.* ***For appellant No.1 as well as appellant No.2, negotiating the criminal proceedings in a court of law, notwithstanding that both are now husband and wife living together, would operate as painful interference in their happy life****.* ***The High Court would have done justice to the parties only by quashing the criminal proceedings against appellant No.1 initiated by the complainant-father of appellant No.2****.*

"*7.* ***In K. Kirubakaran v. State of Tamil Nadu*** [2025 SCC OnLine SC 2307], *where the facts were similar and akin to the present one, this Court, while quashing the criminal proceedings against the appellant therein including the conviction and sentence, quoted Benjamin N. Cardozo, Former Associate Justice of the Supreme Court of United States, "The final cause of law is the welfare of society."*""

(emphasis supplied)

30. The essence of the Supreme Court judgment in *Ayyub Malik* is that criminal proceedings in the said case ought to have been quashed by the High Court if the High Court was to "*have done justice to the parties.*" The essence of the judgment also is that though on a technical view of the law, fleeing with a minor girl would be an offence, the subsequent development of the parties having married and living together peacefully "*outweigh the need to take the alleged offence or the criminal proceedings to their logical end.*" Furthermore, the Supreme Court has observed that in situations such as the one obtaining in that case "*continuation of criminal proceedings …… would become harassing and stand as an abuse of process of law.*" This court is in respectful agreement with the articulation of the law by the Supreme Court in *Ayyub Malik.* The same was the view of the Supreme Court in its short order in *Mahesh Mukund Patel.*

31. This court would only add that pressing-on with a criminal prosecution when there is no *de-facto* victim would not only be an exercise in futility but also an exercise leading to absurdity.

32. In a case such as the present one, the absence of a *de-facto* victim effaces the need to take the criminal proceedings forward, since that would be an exercise to the detriment of the *de-juré* victim herself.

33. This court would lay special emphasis to point-out that the principal duty of a court is to do justice; and if unleashing the letter of the law leads to manifest injustice, a court cannot look the other way. The court cannot lose sight of the *enormity* of the consequences that would befall a *victim* in a case like the present one. The court cannot ignore the fact that two lives *i.e.,* of the *de-juré* victim and her minor child, would be

completely destroyed if the criminal proceedings against the petitioner are not quashed.

34. It may also be mentioned that despite repeated remonstrations by the courts, including by the Supreme Court, the Legislature has not applied itself to ameliorating the rank injustice that is perpetrated by reason of innocent actions on the part of young persons in the present context. Attention may be drawn to the following observations of the Supreme Court in ***State of Uttar Pradesh vs. Anurudh & Anr.***:[9]

> "*Society also must match institutional reform with moral awakening. The intent and object of these legislations must be at the forefront when a person wishes to lodge a complaint thereunder. The misuse of these laws is a mirror to the opportunistic and self-centered view that pervades the application of law. It is only through discipline, integrity and courage that these problems can be remedied and rooted out. Any legislative amendment or judicial direction will remain lack-luster without this deeper change.We have referred to certain instances of the High Courts noting the misuse/misapplication of the POCSO Act, somewhat in line with the indices appended to the impugned judgment as also its progenitors.*
>
> *Considering the fact that repeated judicial notice has been taken of the misuse of these laws, let a copy of this judgment be circulated to the Secretary, Law, Government of India, to consider initiation of steps as may be possible to curb this menace inter alia,* ***the introduction of a Romeo - Juliet clause exempting genuine adolescent relationships from the stronghold of this law; enacting a mechanism enabling the prosecution of those persons who, by the use of these laws seeks to settle scores etc.***"
>
> (emphasis supplied)

35. That being said, this court would also caution against wanton misuse of 'compromise' quashing of criminal proceedings by unscrupulous

[9] 2026 SCC OnLine SC 40; para 19

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 instal 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.

37. This court would be remiss if it did not answer as to how the view taken above falls within the ambit of the Supreme Court rulings in the celebrated cases of ***Gian Singh vs. State of Punjab***[10] and ***Narinder Singh & Ors. vs. State of Punjab & Anr.***[11] While in the said two verdicts, the Supreme Court has cautioned against the quashing of criminal proceedings relating to heinous offences regardless of any settlement between the victim or victim's family and the offender, at the same time, the Supreme Court, has also emphasized the following :

> "*61…. … **Inherent power is of wide plenitude with no statutory limitation** but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) **to secure the ends of justice**, or (ii) **to prevent abuse of the process of any court**. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute **would depend on the facts and circumstances of each case** and **no category can be prescribed**. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute…. … In other words, the High Court must consider **whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding** or continuation of the criminal proceeding **would tantamount to abuse of process of law** despite settlement and compromise between the victim and the wrongdoer and **whether to secure the ends of justice, it is appropriate that the criminal case is put to an end** and if the*

[10] (2012) 10 SCC 303
[11] (2014) 6 SCC 466

answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding."

(emphasis supplied)

38. The same sentiment has also been echoed by the Supreme Court in *Narinder Singh.*

39. Applying the aforesaid consideration to the facts of the present case, the following aspects weigh with the court:

39.1. At the time of the alleged commission of the offence, respondent No.2 was about 17 years and 02 months of age and the petitioner was about 22 years old ;

39.2. Respondent No.2 never made any complaint to the police authorities herself and the subject FIR was registered at the instance of the doctors attending to her at the hospital where respondent No.2 *had gone to deliver the child* she had had with the petitioner;

39.3. From the outset, respondent No.2 has never pressed any charges against the petitioner; she married him on 04.09.2024, whereupon they had a child on 12.06.2025; and on the very next date after the birth of the child, *i.e.*, on 13.06.2025, the subject FIR came to be registered;

39.4. There is not the remotest allegation that the petitioner was guilty of any violence, much less any brutality against respondent No.2;

39.5. In the course of hearing before this court, and during the interaction with respondent No.2, she has expressed unequivocal support for quashing of the criminal proceedings against the

petitioner; she has said that the relationship was the result of her full consent and concurrence; that parties now need to take care of their 08-month old baby; and that their young family would be destroyed if the petitioner is prosecuted in the subject FIR.

40. Upon a conspectus of the foregoing facts and circumstances, and in particular keeping in mind the enormous consequences that would befall not only respondent No.2 but also her infant, both of whom would be left completely bereft of any support and sustenance if the petitioner were to be imprisoned, this court is persuaded to allow the present petition.

41. In view of the foregoing discussion, in the opinion of this court, the right course of action to secure the ends of justice and especially to prevent re-victimisation of the *de-juré* victim, would be to quash the criminal proceedings.

42. Mr. Anand V Khatri, learned ASC (Criminal) confirms that the State has no objection to the subject FIR being quashed.

43. In the circumstances, this court is of the view that in light of the consistent, unequivocal and volitional stand taken by respondent No.2, continuing with the subject FIR and all subsequent proceedings would not be conducive to the welfare and interests of respondent No.2 and her infant.

44. Accordingly, case FIR No.279/2025 dated 13.06.2025 registered under section 64(1) of the BNS and section 6 of the POCSO Act at P.S.: Malviya Nagar, South Delhi is quashed. All proceedings arising therefrom also stand closed.

45. Petition stands disposed-of.

46. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J.

APRIL 16, 2026
*V.Rawat/*ds