

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>UKHC010137712026</u> <u>WPCRL/1543/2026</u> --Petitioner Versus State Of Uttarakhand --Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Neeraj Singh Kaira, Advocate for the petitioner. 2. Mr. Pradeep Lohani, A.G.A. for the State. 3. Ms. Sarita Bisht, Advocate for the complainant/respondent nos. 3 and 4. 4. By means of this writ petition, petitioner has sought quashing of F.I.R./Case Crime No. 179 of 2026, under Sections 140(3), 137(2), 84, 64, (2)(m) of BNS r/w 5(l)/6 of POCSO Act, registered at Police Station Ramnagar, District Nainital. 5. In this case, earlier affidavit filed in the compounding application was not pressed by the parties and thus the compounding application was dismissed as withdrawn. Now, a fresh compounding application, jointly signed by learned counsel for respondent nos. 3 and 4 and learned counsel for the petitioner, has been supplied before the Court, duly supported by affidavits of the parties. The same is taken on record. 6. Initially, the FIR was lodged under Section 140(3) of BNS, but, during investigation, Sections 137(2), 84, 64(2)(m) of BNS and Section 5(l)/6 of POCSO were added. During pendency of this writ petition, compounding application has been filed in which it is submitted that at the time of

		incident, age of the victim was 17 years and 2 months, while, petitioner is aged about 22 years. Both, petitioner and the victim were in love relationship and since the victim has left her parental house without informing her parents, therefore, they lodged the FIR under some misconception. 7. Learned counsel for the petitioner submits that the parties have now entered into a settlement, therefore, the matter needs to be compounded. 8. Learned counsel for respondent nos. 3 and 4 submits that dispute has now been amicably settled between the parties, therefore, his client wants to close the matter to ensure that peace is restored. 9. Today, victim is present before the Court. She has submitted before the Court that the victim and the petitioner proposed to get marry as soon as the victim attains the age of majority. 10. Petitioner is in judicial custody. Mother of the petitioner and father of the victim are also present before the Court. In the compounding application, affidavit has been filed by mother of the petitioner and father of the victim. The Court interacted with them and considering the fact that the age of the victim, which was 17 years and 2 months at the time of incident and also considering the statement of the victim that both, petitioner and the victim are in love relation for last more than one year and now the complainant as well as the victim does not want to prosecute the petitioner any further and the FIR was lodged under some misconception and, as such, it is a case of love of two adults in which their future is also involved, therefore, this Court is of the view that continuation of criminal proceedings would visit the accused with great oppression, prejudice and injustice. Rather, it would tantamount to abuse of process of law. Ends of justice would be met if criminal proceedings are put to an end, because this would allow the parties to translate
--	--	---

		their decision to live in peace in the reality. Resolution of a dispute by way of a compromise between two warring groups, therefore, should attract the immediate and prompt attention of a Court which should endeavour to give full effect to the same unless such compromise is abhorrent to lawful composition of the society or would promote savagery. 11. Both the parties also made a statement that, in view of the settlement, they want to close the matter. 12. In view of the admitted fact that both the victim and the petitioner are in love relation and the age of the victim is more than 17 years, as such, she is mature enough to understand the consequences of her acts and deeds. The victim herself has admitted that there was no force, coercion or misrepresentation in their relationship. Treating the consensual relationship between a 17 years old and 21 years old on par with sexual assault collapses meaningful distinctions and results in manifest arbitrariness under Article 14. Child protection does not require criminalising adolescence. Taking into consideration the relevant factors and also taking into account the facts of this case, request of the petitioner deserves to be acceded to. 13. In view of above discussion, the writ petition is allowed. Consequently, F.I.R./Case Crime No. 179 of 2026, under Sections 140(3), 137(2), 84, 64, (2)(m) of BNS r/w 5(l)/6 of POCSO Act, registered at Police Station Ramnagar, District Nainital, is hereby quashed along with all the proceedings emanating therefrom. 14. Petitioner is in judicial custody. He shall be released from judicial custody forthwith, if not wanted in any other case. 15. Compounding application is, accordingly, disposed of. (Alok Mahra J.) 05.08.2026 Ujjwal
--	--	---

