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

CNR No. DLHC010995842025

+ **CRL.M.C. 8814/2025 & CRL.M.A. 36763-36764/2025**

SUSHIL KUMAR

.....Petitioner

Through: Petitioner with his counsel Mr. R.P. Pandey, Mr. Shubham Parashar, Mr. Yashwant Tiwari and Mr. Prince, Adv.

versus

THE STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the State along with Inspector Pinki Rana, P.S. Tigri, Delhi.
R-2 with her counsel Ms. Richa Kumar, Adv.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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30.09.2026

1. This petition has been filed under Section 482 of the Code of criminal Procedure, 1973 ['Cr.P.C.'] (corresponding to Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 ['BNSS']) seeking following reliefs:

“a) Quash the F.LR. bearing no. 92/2019 354A,354D, 509 IPC & 12 read with Section 11(i) & (iv) and Section 8 read with Section 7 of the POCSO lodged at Tigri.”

2. It is stated that FIR No. 92/2019 dated 20.03.20219 ['subject FIR']



was registered against the Petitioner at the instance of Respondent No. 2.

3. It is stated in the subject FIR that whenever Respondent no. 2 used to go for attending her coaching classes, the Petitioner herein, who lives in the vicinity of her tuition center, stares at her and tries to strike a conversation by nodding his head and asked her to meet him. It is stated that the Respondent No. 2 often got frightened by him and tried to ignore him.

3.1 It is stated that on 17.03.2019 at around 5:00 p.m., when the Respondent No. 2 went to the Sunday market, the Petitioner followed her and suddenly caught hold of her hand. He then pulled her towards him forcefully on which she resisted and tried to release her hands from his hold. Thereafter, the Respondent no. 2 scolded the Petitioner and ran away from the market.

3.2 It is stated that on 19.03.2019, when Respondent No. 2 went for her coaching classes, the Petitioner tried to persuade another female student studying in the same coaching center, to help the Petitioner befriend the Respondent No. 2 and bring her near a hotel. Petitioner offered monetary benefits to the said female student, which was refused by her. Thereafter, the Respondent No. 2 informed about all this to her family and as a consequence of which the subject FIR was registered.

4. It is stated that the charges were framed on 29.09.2020 under Section 509, 354-B of the Indian Penal Code, 1860 ['IPC'], read with Section 12 and Section 11 (i) and (iv) and Section 8 read with Section 7 of Protection of children from sexual offences Act, 2012 ['POCSO'].



5. It is stated that *vide* judgment dated 14.11.2024, the Trial Court has convicted the Petitioner on all charges, sentencing the Petitioner to one (1) year of rigorous imprisonment. All sentences under each offence have been directed to run together for three (3) years. Fine has also been imposed upon the Petitioner.

6. It is stated that on an application filed by the Petitioner under Section 389 Cr.P.C (corresponding to Section 430 of BNSS) in Criminal Appeal No. 321/2025, co-ordinate bench of this Court *vide* Order dated 28.03.2025 has suspended the sentence of the petitioner and he was directed to be released on bail on his furnishing a personal bond in the sum of Rs. 10,000/- with one surety of the like amount to the satisfaction of the concerned Trial Court.

7. Mr. R.P. Pandey, learned counsel for the Petitioner states that the Petitioner has entered into a Memorandum of Understanding [‘MoU’] dated 07.01.2025 with the Respondent No. 2/complainant.

7.1 He states that in the said MoU, it is recorded that since the parties are neighbours, the Respondent No. 2 does not wish to pursue the subject FIR.

7.2 He states that though the MoU is dated 07.01.2025 and is post the judgment of conviction dated 14.11.2024, the present petition seeking quashing on the basis of the settlement between the parties is maintainable in view of the judgment of the Supreme Court in **Ramgopal Vs. State of Madhya Pradesh**¹.

8. Mr. Sabharwal, learned Additional Public Prosecutor [‘APP’] appears

¹ (2022) 14 SCC 531 at paragraph nos. 11, 12 and 13



for the State. He states that the State is opposing this petition.

8.1 He states that the Respondent No. 2/complainant was 16 years old at the time of the incident and the Petitioner herein was 27 years old. He states that the provisions of POCSO Act are attracted in the facts of this case and the Petitioner has been convicted under the said provisions.

9. This Court has heard the learned counsels for the parties and perused the record.

10. The Petitioner has been charged and convicted under the provisions of POCSO Act. The facts of this case do not fall in the category of cases colloquially known as Romeo Juliet². In this case the Respondent no. 2 who was a minor aged 16 years was sexually harassed by the Petitioner who was 27 years old, at the time of the incident. The Petitioner persisted with unwanted attention towards Respondent no. 2 despite her express rejection of his sexual advances. Respondent no. 2 never had any affection for the Petitioner and therefore the actions of the Petitioner/accused have no justification whatsoever. The matter went to trial; Respondent no. 2 stood by her statement before the Trial Court, leading to conviction of the Petitioner.

11. The offences under the POCSO Act are serious in nature. The said Act is intended to protect the minors and children, who are admittedly the vulnerable section of the society from sexual harassment and predatory behavior. The said Act is strict in its application and does not even recognize consent of the minor victim as a valid defence to the crime committed by the accused. In the considered opinion of this Court, a conviction under POCSO



Act cannot be quashed on the bare plea that the accused and complainant have now reached a compromise agreeing to quash the FIR and the consequent conviction. The MoU in this case is incredulous and unbelievable. The parties in this case are unrelated to each other, as noted above there was no affection ever between the parties and the reason recorded in the MoU i.e., ‘parties are neighbours’ fails to satisfy the conscience of the Court so as to justify exercise of its extraordinary equitable jurisdiction under Section 528 of BNSS. The safety of minors, children and adult women is a persisting monumental concern in our civil society. They continue to remain vulnerable despite efforts from the State, due to the unchanging mindset of the predators and accused. The delay in conviction of the accused is cited as one of the causes for the increase in crimes against the vulnerable section of the society. In this Court’s considered opinion, accepting the subject MoU after the accused stands convicted under POCSO Act, for quashing the FIR and conviction, would be against the interest of the State, the public more specifically the minors. It would be a mockery of justice and would be an abuse of the extraordinary equitable jurisdiction of this Court. Given the widespread prevalence of such offences within society, any infraction, regardless of magnitude, perpetrated against a minor demands immediate punitive action and should not go unpunished.

12. There is no quarrel with the law laid down by the Supreme Court in **Ramgopal** (supra). In the case before the Supreme Court in **Ramgopal** the issue arose from an incident pertaining to a physical fight between the

² State of Uttar Pradesh v. Anurudh and Anr. 2026 SCC OnLine SC 40



parties which led to assault and injury to the complainant. The physical fight had happened between the parties on account of monetary disputes. However, the facts in this case do not persuade the Court to exercise its equitable extraordinary jurisdiction.

13. For these reasons, this Court is unable to accept the prayers in this petition. Accordingly, the present petition is dismissed.

14. Pending applications, if any, stands dismissed.

15. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
SEPTEMBER 30, 2026/a/IB