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

% *Date of Decision: 18th April, 2026*

+ CRL.M.C. 2379/2025

FOOLBABU ALISE MOHD HASEEM

.....Petitioner

Through: Mr. Azhar Ali, Advocate with
petitioner in person.

versus

THE STATE & ANR.

.....Respondent

Through: Mr. Raj Kumar, APP with SI Mamta
alongwith respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner seeks quashing of FIR No. 107/2019 dated 02.04.2019, registered at P.S. Khyala, for commission of offences under Sections 363/366 IPC, along with all consequential proceedings arising therefrom.
2. As per allegations appearing in the abovesaid FIR, which was got registered by father of the child-victim ("N"), two years ago, his daughter ("N") had been raped in Hardoi. One Firoz and his mother were accused in said case. Later, they both along with their one relative Foolbabu (petitioner herein) and his father came to his house several times, in order to amicably settle the abovesaid matter.
3. It is alleged that on 01.04.2019, when the complainant was to go to a grocery store situated in his neighbourhood and had come out of his home, he saw a white-coloured car parked at some distance in which Firoz and his mother Gurah were found seated. The petitioner and his father came there and took away his daughter ("N") in the Car, by luring her.
4. The complainant, thus, reported about the abovesaid kidnapping



incident and prayed for search of his daughter and to take action against all those persons.

5. It was in the aforesaid backdrop of facts that FIR in question was registered for offence under Sections 363/34 IPC.

6. Fact, however, remains that during the investigation, on 02.12.2020, the Police learnt through the Mausi of “N” that “N” had married petitioner and that they, even, had a daughter from such marriage.

7. When police contacted Ms. “N”, she claimed her age to be 21 years and revealed that she had voluntarily married the petitioner as they both loved each other. She also claimed that she was maltreated at her parental home and her father was against her such relation and wanted her to get married somewhere else, in a forcible manner.

8. Since there was no documentary proof with respect to the age of Ms. “N”, her ossification test was got conducted which indicated her age between 17 to 20 years. Charge-sheet was filed against the petitioner herein for offences under Section 363/366 IPC and 6 of *Protection of Children from Sexual Offence (POCSO) Act, 2012*.

9. Charges are yet to be ascertained.

10. The quashing is being sought for the reason that there is revelation of no offence and moreover, the petitioner is residing with the alleged child-victim for the last more than seven years and they both are having two children from such marriage.

11. Ms. “N” is present in Court and has been duly identified by the Investigating Officer.

12. The complainant (father of Ms. “N”) is also present and he has also been duly identified by the Investigating Officer.



13. On the last date of hearing i.e. 16.02.2026, several documents were placed on record from the side of petitioner in order to show that he had married Ms. “N” and that they are having two children from such marriage. The prosecution was directed to verify the authenticity and correctness of all such documents.

14. A verification report in this regard has been submitted, which is taken on record.

15. As per such report, the factum of marriage between the petitioner and Ms. “N” has been got verified. It has also been verified that they are having two daughters from such wedlock. The birth certificates and the school records of both these daughters have also been placed on record. The date of birth of the two daughters is 12.12.2019 and 20.07.2022.

16. Copy of charge-sheet has also been annexed. It is, somehow, not very clear on what basis the petitioner was charge-sheeted as there was no incriminating word was uttered by Ms. “N” against the petitioner when her statement under Section 164 Cr.P.C. was recorded. She, categorically, claimed that she had married the petitioner herein voluntarily, out of her own free will and also claimed that her step-father wanted her to get forcibly married to some other person and, therefore, she, voluntarily, left her parental house and accompanied the petitioner and married him. The ossification test also does not come to the rescue of the prosecution since her age was opined between 17 years to 20 years.

17. Be that as it may, fact remains that when asked, respondent No.2, who is present in Court reiterates that she is living happily with her husband i.e. petitioner. She reiterates that she had voluntarily left her home and got married to petitioner with whom she was in love. According to her, even at



the time when she had left her house, she was major.

18. The verification report is loud and clear which indicates that petitioner and respondent No.2 are lawfully married and are living happily. They are, as already noticed above, blessed with two daughters who are already in a school.

19. In view of the above, since the present case is of the year 2019 with very bleak chance of it resulting in conviction coupled with the fact that respondent No.2 and petitioner are living a blissful matrimonial life, continuing with further proceedings would thus serve no meaningful purpose and would only disrupt their stable family-life. Reference in this regard be also made to *Mohd. Parwej v. State*, 2026 SCC OnLine Del 1030, *Harmeet Singh v. State of GNCT Delhi & Ors.* 2026:DHC:3142.

20. Accordingly, exercising inherent powers vested in this Court under Section 528 of *Bharatiya Nagarik Suraksha Sanhita, 2023*, it is deemed appropriate to quash the instant FIR.

21. Consequently, to secure the ends of justice, FIR No. 107/2019 dated 02.04.2019, registered at P.S. Khyala, for commission of offences under Sections 363/366 IPC, along with all consequential proceedings arising therefrom, stands quashed.

22. The petition stands disposed of in aforesaid terms.

23. Pending applications also stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

APRIL 18, 2026/sw/sa