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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 8286/2023, CRL.M.A. 30826/2023 & CRL.M.A.
3431/2024

GAURAV KUMAR TOMAR Petitioner

Through: Mr. Raman Sahaney and Mr.
Devendra Nagar, Advocates.

versus

THE STATE NCT OF DELHI Respondent
Through: Mr. Satish Kumar, APP for the State
along with SI Ankit Sagar.

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
11.11.2024

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter as the “Code”) [now under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023] has been filed on behalf of the petitioner praying for quashing of the FIR bearing no. 872/2015 registered at Police Station - Neb Sarai, New Delhi for the offences punishable under Section 174A of the Indian Penal Code, 1860 (hereinafter as the “IPC”).
2. The petitioner and the complainant are present before the Court and they have been identified by SI Ankit Sagar, PS- Neb Sarar, Investigating Officer.
3. Learned counsel for the petitioner submitted that the petitioner and the complainant entered into marriage and thereafter, the aforesaid FIR was



registered and chargesheet has been filed against the petitioner under Sections 376/406/506 of the IPC. *Vide* order dated 4th January, 2017, the Court concerned declared the petitioner as a proclaimed offender and *vide* order dated 4th July, 2017, the Court concerned dropped the charge of Section 376 of the IPC from the chargesheet. Accordingly, the Court concerned *vide* order dated 24th October, 2017 framed charges against the petitioner under Sections 406/506 and 174A of the IPC.

4. It is submitted that after farming of the charges, the complainant and the petitioner settled their disputes and compromised on the offences punishable under Sections 406/506 of the IPC by moving an application for compounding the offences as per Section 320 of the Code. The said application was allowed by the Court concerned *vide* order dated 5th April, 2019.

5. It is further submitted that the complainant and the petitioner have been living together and has two children born out of their wedlock. Moreover, since the disputes have been settled between the parties and compounding of the offences punishable under Sections 406/506 of the IPC *vide* order dated 5th April, 2019, no useful purpose would be served in keeping the said proceedings arising out of the aforesaid FIR under Section 174A of the IPC pending.

6. Hence, it is prayed that the instant FIR be quashed on the basis of the said compounding of offences *vide* order dated 5th April, 2019 as well as the judgment of the Hon'ble Supreme Court passed in ***Gian Singh vs. State of Punjab***, (2012) 10 SCC 303.

7. *Per Contra*, learned APP for the State vehemently opposed the instant petition submitting to the effect that the offence under Section 174A of the



Code is serious in nature and the proceedings regarding the same are required to be conducted.

8. Heard learned counsel for the parties and perused the record.

9. It is observed that the petitioner and the complainant have settled their disputes and *vide* order dated 5th April, 2019 the offences punishable under Sections 406/506 of the IPC are compounded. Moreover, the petitioner and complainant have been living together with their two children. With the compounding of the said offences, the only charge against the petitioner is Section 174A of the IPC, which deals with the non-appearance of the accused who was declared a proclaimed offender under Section 82 of the Code.

10. Therefore, keeping the aforesaid in mind, no useful purpose would be served in keeping the instant matter pending in view of the order dated 5th April, 2019, law laid down by the Hon'ble Supreme Court as well as the fact that the petitioner and complainant have been living happily together.

11. Accordingly, the present petition is allowed and the FIR bearing No. 872/2015 registered at Police Station - Neb Sarai, New Delhi for the offences punishable under Section 174A of the IPC and consequent proceedings emanating therefrom are quashed.

12. The instant petition is disposed of. Pending applications, if any, stands dismissed.

CHANDRA DHARI SINGH, J

NOVEMBER 11, 2024

Rk/mk

Click here to check corrigendum, if any



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