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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: July 31, 2015

+ **CRL.M.C. 3065/2015**
ABHISHEK SINGH Petitioner
Through: Mr. Vijay Dahiya, Advocate

versus

STATE & ORS Respondents
Through: Mr. Karan Singh, Additional
Public Prosecutor for respondent-
State with ASI Rajneesh
Respondents No.2 and 3 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Quashing of FIR No.484/2012 under Section 363 of the IPC, registered at Police Station Samaypur Badli, Delhi is sought on the basis of affidavit of 14th July, 2015 of respondent No.2, who is the mother of respondent No.3-prosecutrix.

Notice.

Mr. Karan Singh, learned Additional Public Prosecutor, accepts notice for respondent-State and submits that respondents No.2 and 3 are present in the Court and respondent No.2, who is the mother of the prosecutrix, has been identified to be the complainant/first-informant of the FIR in question and respondent No.3 has been identified to be prosecutrix by ASI Rajneesh on the basis of the identity proof produced by them. Learned Additional Public Prosecutor for respondent-State

further submits that the prosecutrix was 16 years old at the time of the incident in question

Respondent No.2, present in the Court affirms contents of her affidavit in support of the petition and submits that respondent No.3-prosecutrix had voluntarily accompanied petitioner-accused and had willingly married him in December, 2012 and since then, she is happily residing with petitioner and a girl child has been born out of their wedlock, who is now aged one year, and now, prosecutrix has attained the age of majority and so, to restore cordiality amongst the parties, proceedings arising out of FIR in question be brought to an end. Respondent No.3-prosecutrix affirms the aforesaid stand taken by second respondent and the contents of the affidavit filed in support of this petition.

A Full-Bench of this Court in *Court on Its Own Motion (Lajja Devi) & Ors. v. State* 2012 (3) JCC 148, has authoritatively held as under:-

"If the girl is more than 16 years, and the girl makes a statement that she went with her consent and the statement and consent is without any force, coercion or undue influence, the statement could be accepted and Court will be within its power to quash the proceedings under Section 363 or 376 IPC. Here again no straight jacket formula can be applied. The Court has to be cautious, for the girl has right to get the marriage nullified under Section 3 of the PCM Act. Attending circumstances including the maturity and understanding of the girl, social background of girl, age of the girl and boy etc. have to be taken into consideration."

In '*Gian Singh Vs. State of Punjab*' (2012) 10 SCC 303 Apex

Court has recognized the need of amicable resolution of disputes in cases like the instant one, by observing as under:-

“61. 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 proceedings or continuation of criminal proceedings 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 criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings.”

Applying the dictum of afore-noted decisions to the facts of this case, I find that respondent No.3-prosecutrix had attained the age of discretion at the time of incident in question and had voluntarily accompanied petitioner-accused and had willingly married him and a girl child has born out of their wedlock and they are happily residing with since December, 2012 and so, to restore cordiality amongst the parties, the proceedings arising out of the FIR in question deserve to be put to an end.

Accordingly, this petition is allowed and FIR No.484/2012 under Section 363 of the IPC, registered at Police Station Samaypur Badli, Delhi and proceedings emanating therefrom are quashed qua petitioner.

This petition is accordingly disposed of.

(SUNIL GAUR)
JUDGE

JULY 31, 2015

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