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

+ **W.P.(CRL) 3136/2016 & CrI. M.A. No.16860/2016**

YAADRAM & ORS

..... Petitioner

Through: Mr. Sumit Goswami, Advocate

versus

STATE (NCT OF DELHI) & ANR

..... Respondent

Through: Ms. Richa Kapoor, ASC along with
SI Veena, PS – Sarai Rohilla, for the
State.

Ms. Prabha Sharma for R-2

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

27.10.2016

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Issue notice. Notice is accepted on behalf of the State. Respondent no.2 is present with her counsel and accepts notice. She is identified by the I.O. and her counsel.

The petitioners have preferred the present petition to seek the quashing of FIR No.319/2014 u/s 354/376 registered at PS Sarai Rohilla and the proceedings arising therefrom. The petition is premised on a settlement arrived at between the petitioners/accused on the one hand and respondent no.2/ complainant on the other hand.

The factual background is that petitioner no.1 is the father-in-law of the complainant/ prosecutrix/ respondent no.2. Petitioner no.2 is the brother in law of respondent no.2. The prosecutrix made a complaint making serious allegations of rape against petitioner no.2 and also made allegations u/s 354 IPC against petitioner no.1. The complainant has also recorded her statement u/s 164 Cr PC supporting the allegations against the petitioner. However, she now appears to have arrived at a settlement with them and the original settlement agreement has been placed on record.

Respondent no.2, who is present in Court, states that the matrimonial disputes have now been resolved and the respondent no.2 is living happily in her matrimonial home with her husband and petitioner no.1. Her mother in law is dead. She has one minor son from her marriage with her husband.

Looking to the seriousness of the allegations and the fact that respondent no.2 now states that she is residing in her matrimonial home, I considered it appropriate to hear the matter in chamber to personally interact with her so as to ascertain whether or not she has entered the settlement voluntarily and is agreeable to withdraw the complaint without any coercion or pressure. Respondent no.2 stated in chamber that she had made the allegations against the petitioners on account of family quarrel and disputes, and she was not aware of the consequences of making such serious allegations against the petitioners. She also states that she is not subjected to treatment as alleged by her against the petitioners.

Ms. Kapoor has also pointed out that during investigation of this case, police record from PS Gulabi Bagh has been collected which shows that the husband of respondent no.2 had made a complaint under section 23 of the Juvenile Justice Act – the background being that respondent no.2 had left

her minor child at the said police station by leaving the name and address of the husband in the shirt pocket of the child and left with someone. The matter was, however, settled and respondent no.2 was taken back by her husband to the matrimonial home. It appears that respondent no.2 was also counselled at that point of time and before the counsellor she did not make the allegations of rape etc. against the petitioners herein.

Keeping in view the serious allegations and circumstances, I am not inclined to quash the FIR and the proceedings arising therefrom at this stage. The petition is, accordingly, dismissed. However, the Trial Court shall take into consideration all the relevant facts and circumstances at the time of consideration of the final report.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

OCTOBER 27, 2016

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