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

DECIDED ON : 20th MARCH, 2017

+ **CRL.M.C. 2722/2016 & CRL.M.A.No.11660/16**

SANTOSH KUMAR

..... Petitioner

Through : Mr.Jatin Rajput, Advocate with
Mr.Amit Raghav, Advocate along
with petitioner in person.

versus

STATE, GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through : Mr.Amit Gupta, APP.
Victim with her children in person.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (Oral)

1. Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR (Crime) No.94/2011 registered under Sections 143/147/366A/109/457/380/149 IPC at PS Gulbarga Rural, Karnataka. Status report is on record.

2. The present case was transferred from 1st Additional District & Sessions Judge, Gulbarga, Karnataka to the District Judge, Tis Hazari Court, Delhi vide order dated 21.07.2014 of the Hon'ble Supreme Court in Transfer Petition (Crl) No.399/2012 titled as '*Santosh & Anr. Vs. State of Karnataka and Ors.*'

3. I have heard the learned counsel for the parties and have examined the Trial Court record. The prosecutrix was aged around 17 years and 10 months on the day of occurrence. The petitioner and the prosecutrix were acquainted with each other since 2007. They fell in love despite having different castes and status. In May, 2011, both of them decided to get marry and they fled to Mumbai after leaving their native place. Respondent No.3, victim's father lodged complaint being Criminal Case No.94/2011 at Rural Circle Gulbarga, Rural Police Station Karnataka against the petitioner and his family members.

4. It is not disputed that on 11.06.2011 both the petitioner and the victim married at Shree Ram Temple, Mumbai. They both are living together happily and are blessed with two children who were present in the Court with the prosecutrix. It has come on record that earlier the parties had filed W.P.(Crl.) 1198/2011 before this Court to seek protection on the ground that they were major and had married of their own free will contrary to the wishes of respondents No.3 & 4. Respondents No.3 & 4, victim's parents, were present in Court. They admitted that the victim was major and they would not interfere in her happy and peaceful married life. In view of the statement given by the respondents therein, the petitioners were permitted to withdraw the petition to seek security.

5. Perusal of the Trial Court record reveals that by an order dated 18.01.2016 all the accused persons except the petitioner have been discharged. Charge under Section 363 IPC has been ordered to be framed against the petitioner.

6. The prosecutrix, petitioner's wife, present in Court has prayed to close the proceedings as she is happily living in her matrimonial home

and she had accompanied the petitioner on her own will. She further prayed that because of the pendency of the case since 2011 before the Court below her physical and mental condition is deteriorating.

7. Considering the facts and circumstances of the case; the fact that the prosecutrix was on the verge of attaining age of 18 years on the day of occurrence; the fact that she had accompanied the petitioner of her own will with her free consent; the fact that she has since married the petitioner and is blessed with two children; the fact that she is living in her matrimonial home happily, no useful purpose will be served to continue with the proceedings under Section 363 IPC initiated against the petitioner - her husband.

8. In the interest of justice and to enable the parties to put an end to the litigation and to have peaceful married life, FIR (Crime) No.94/2011 registered under Sections 143/147/366A/109/457/380/149 IPC at PS Gulbarga Rural, Karnataka and all the proceedings arising therefrom are quashed.

9. The petition stands disposed of accordingly. Pending application also stands disposed of.

(S.P.GARG)
JUDGE

MARCH 20, 2017 / tr