

\$~36

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

+ **W.P.(CRL) 2062/2017**

JITIN

..... Petitioner

Represented by: Mr. Surender Nandal, Adv.

versus

THE STATE NCT OF DELHI & ORS.

..... Respondent

Represented by: Mr. Rajesh Mahajan, ASC with
SI Geeta Yadav PS Aman
Vihar.

Mr. Yogesh Ramola, Adv. for
R-2 & 3.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

08.12.2017

%

By the present petition the petitioner seeks quashing of FIR No. 518/2016 under Sections 363 IPC registered at PS Aman Vihar, Delhi on the complaint of Respondent No.3 initially on the ground of merits, however during the pendency of the present petition the parties have entered into a settlement, thus the petitioner seeks quashing of FIR on the ground of settlement.

FIR No.518/2016 under Section 363 IPC at PS Aman Vihar was got registered by respondent No.3 complaining that his daughter aged 16 years 10 months was not traceable. He suspected that Jitin S/o Chanderpal was also missing and thus he may have kidnapped his daughter. During the course of investigation the respondent No.2, daughter of respondent No.3 was recovered on 7th June, 2016. On 8th June, 2016 her statement was

W.P.(CRL) 2062/2017

page 1 of 3

recorded under Section 164 Cr.P.C. by the learned Metropolitan Magistrate wherein she stated that she went with Jitin of her own free will and married him on 10th May, 2016. She stated that her parents have lodged a false complaint. She further stated that no physical relationship was established between the parties. On verification as per Class 10th certificate the date of birth of respondent No.2 was found to be 1st July, 1997 whereas in the school first attended it was found to be 1st July, 1999. The school later clarified that the date of birth mentioned in the matriculation certificate of 1st July, 1997 was a typographical error. Thus, the date of birth of the respondent No.2 is 1st July, 1999 and on the day of incident she was a minor. During the course of investigation Section 366 IPC was added.

Be that as it may, the respondent No.2 is a major today and she has married the petitioner. Both of them are happily residing with their child.

Respondent No. 3 who is present in Court and is identified by the learned counsel states that he does not wish to press the above-noted FIR and the proceedings pursuant thereto because the petitioner and respondent No.2 are living happily as husband and wife after respondent No.2 has attained majority.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 518/2016 under Sections 363 IPC registered at PS Aman Vihar, Delhi and proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

DECEMBER 08, 2017
‘ga’