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

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Judgment delivered on: 19.04.2018

+ CRL.M.C. 1498/2018

MANPREET & ANR

..... Petitioners

versus

STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. S.K. Mishra and Mr. B.P. Pandey, Advocates.

For the Respondents : Mr. Mukesh Kumar, APP for the State.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

19.04.2018

SANJEEV SACHDEVA, J. (ORAL)

CRL.M.C. 1498/2018 & CrI.M.A.5444/2018 (stay)

1. Petitioners seek quashing of FIR No.385/2017 under Sections 354/380/498A IPC and Section 4 of Dowry Prohibition Act, based on a settlement. Subsequently, Section 376 IPC has been added after recording statement of the prosecutrix under Section 164 Cr.P.C.

2. The allegation against the petitioner No.2, who is the sister of the petitioner No.1, is of alleged demand of dowry. Insofar as the

petitioner No.1 is concerned, the allegations are not only of demand of dowry but also of making physical relationship by use of force.

3. Respondent No.2 is present in Court in person and submits that she has settled with the petitioners and she and the petitioner No.1 have got married and are residing together as husband and wife. She submits that she does not wish to press her complaint.

4. Since the allegations against the petitioner No.1 are of having allegedly committed the offence under Section 376 IPC, in view of the judgment of the Supreme Court in *Gyan Singh vs. State of Punjab*: 2012 (10) SCC 303, the present case is not a fit case for quashing of the FIR based on a settlement, qua petitioner No. 1.

5. Accordingly, so far as the petitioner No.1 is concerned, keeping in view of the said judgment of *Gyan Singh* (supra), I am not inclined to exercise discretionary powers of quashing the FIR qua him.

6. Learned APP submits that allegations against petitioner No. 2 are only under section 498A IPC and not under Section 354/380 or 376 IPC.

7. Insofar as the petitioner No.2 is concerned, since the only allegation against the petitioner No.2 are under section 498A IPC of alleged demand of dowry and respondent No.2 has also settled with her and has subsequently married her brother and is living with him, I am of the view that it is a fit case for quashing the FIR qua the

petitioner No.2.

8. In view of the above, the subject FIR No.385/2017 and the consequent proceedings emanating there from, qua petitioner No.2, are quashed. The petition qua petitioner No. 1 is dismissed.

9. The petition is disposed of in the above terms.

10. Order *Dasti* under signatures of Court Master.

APRIL 19, 2018
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SANJEEV SACHDEVA, J

