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

+ **BAIL APPLN. 2615/2019**

ROHIT YADAV

..... Petitioner

Through: **Mr. Satyam Sisodia, Adv.**

versus

STATE

..... Respondent

Through: **Mr. Amit Chadha, APP for State with
SI Nisha, PS – Adarsh Nagar**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

30.01.2020

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1. The present petition is filed under Section 439 Cr.P.C. by the petitioner seeking regular bail in case FIR No. 311/2019 registered at Police Station – Adarsh Nagar for the offences punishable under Section 376/354-D/323 IPC.
2. During hearing of the present petition on 13.11.2019, the complainant, who is present in Court, submitted that she lodged the present FIR under the pressure of her parents. She further submitted that she intends to marry the petitioner and wants to live with him. Accordingly, learned counsel for the petitioner sought time to file an affidavit of the complainant in this regard.
3. On 04.12.2019, this Court recorded the statement of learned counsel for the petitioner, whilst he submitted that as per the prosecution case, the complainant and the applicant/petitioner were known to each other since

year 2017. Both were employed at the same place. Whereas, learned APP for State submits that the petitioner was arrested on 25.09.2019 and since then, he is in judicial custody.

4. In view of the above, vide order dated 04.12.2019, petitioner was directed to be released on bail.

5. Today, the petitioner and complainant are present in Court and have been identified by W/SI Nisha Rani, IO of the case. They have produced a marriage certificate issued by Arya Samaj Mandir, Plot No. 33, Ranaji Enclave, Near State Bank of India, Metro Pillar No. 65, Nangli Sakrawati, New Delhi – 110043 (India). Photographs of the petitioner as well as the complainant are affixed thereon and their marriage took place on 09.12.2019.

6. The complainant submits that she has already stated that the complaint was filed under pressure of her parents. There is no substance in the complaint but the present FIR is registered against the petitioner. She further prayed that since she has already married with the petitioner, she submits that she has no objection, if the FIR No.311/2019 registered at Police Station – Adarsh Nagar with emanating proceedings thereto are quashed.

7. Though the present petition is for grant of bail, however, while exercising powers under Section 482 Cr.P.C., I hereby convert the present petition into quashing of the FIR and emanating proceedings thereto.

8. Keeping in view the fact that the petitioner and complainant were in love with each other, however, due to some misunderstanding and pressure of the parents of the complainant, she made allegations of rape and

consequently, the FIR in question was registered against the petitioner.

9. It is admitted by the complainant, that there was no rape in fact committed, therefore, she is liable to be prosecuted. However, keeping in view the fact that the petitioner and complainant got married after registration of FIR, I refrain from prosecuting complainant.

10. Similar issue came before this *Court in case Danish Ali vs. State and Anr., CRL. M.C. No. 1727/2019, decided on 26.11.2019* and *Hari Sharan vs. State and Ors. CRL.M.C. 3689/2019, decided on 12.12.2019* by this Court whereby, FIRs therein were quashed.

11. Therefore, keeping in view the statement made by complainant and the fact that matter has been settled, as petitioner and complainant are married and living happily as husband and wife, no useful purpose would be served in prosecuting the petitioner any further.

12. For the reasons afore-recorded, the FIR No. 311/2019 registered at Police Station – Adarsh Nagar and consequent proceedings therefrom, if any, are hereby quashed.

13. The petition is allowed and disposed of accordingly.

Order *dasti* under signatures of the Court Master.

SURESH KUMAR KAIT, J

JANUARY 30, 2020

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