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

% *Date of decision :26.11.2020*

+ CRL.M.C. 2218/2020

JASKARAN SINGH ARORA Petitioner

Through Ms. Sonal Alagh, Adv. with
Mr. Aviral Kapoor, Adv. with
petitioner in person.

versus

STATE, NCT OF DELHI & ANR. Respondents

Through Mr. Amit Chadha, APP for State.
Ms. Sarabjeet Singh, Adv. with
respondent No.2 in person
WSI Reema Raj PS Rani Bagh.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

The hearing has been conducted through video conferencing.

Crl. M.A. 15794/2020 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

CRL. M.C. 2218/2020 & CRL. M.A. 15795/2020 (Stay)

1. Vide the present petition, petitioner seeks direction thereby for quashing of FIR No. 459/2020 dated 08.10.2020, for the offence punishable under Sections 376 IPC registered at Police Station – Rani Bagh, Delhi and

all other proceedings arising therefrom.

2. Notice issued.

3. Notice is accepted by learned APP for State and by the respondent no.2 and with the consent of counsel for parties, the present petition is taken up for final disposal.

4. The present petition is filed on the ground that matter has been settled between the parties vide MOU dated 04.11.2020 and they are living a happy married life.

5. The facts of the case are that petitioner and respondent no.2 got engaged vide Roka ceremony dated 02.08.2020 and got married on 06.11.2020.

6. On 08.08.2020, respondent no.2 made a complaint against petitioner and the same was culminated into present FIR No.559/2020 registered at Police Station Rani Bagh for the offence punishable under section 376 IPC.

7. Respondent No.2 is personally present in Court through video conferencing and has been identified by W/SI Reema/IO and submits that since family members of petitioner and respondent no. 2 had some disputes and were not agreeing for marriage, therefore, she made a false complaint which culminated into FIR in question.

8. She further submits that before registration of FIR, on 02.08.2020, she was engaged with petitioner vide Roka Ceremony. Thereafter, she established physical relations with petitioner. On 04.11.2020, matter has been settled and thereafter she got married to petitioner on 06.11.2020. She further states that if the present FIR is not quashed, she will no longer get the petitioner's love and affection and it will spoil their matrimonial life. Thus, she does not wish to prosecute the matter any further.

9. Petitioner and respondent no.2 have amicably settled all their disputes *inter se* themselves.

10. Although, as per the directions of the Hon'ble Supreme Court in ***Parbat Bhai Aahir and Ors. vs. State of Gujrat & Ors. (AIR 2017 SC 4843)***, the FIR should not be quashed in case of rape as it is an heinous offence, but when the respondent No.2/complainant/prosecutrix herself takes the initiative and file affidavits before this Court, stating that she made the complaint due to some misunderstanding and now wants to give quietus to the misunderstanding which arose between the petitioner and respondent no.2, in my considered opinion, in such cases, there will be no purpose in continuing with the trial. Ultimately, if such direction is issued, the result will be of acquittal in favour of the accused, but substantial public time shall

be wasted.

11. This Court is conscious about the dictum of the Supreme Court in terms of seriousness of the case, however, keeping in view that the Petitioner and respondent no. 2 had a roka ceremony and they were going to get married, it seems that no rape was committed by the petitioner upon respondent no. 2 in the present case and the FIR was registered on the basis of false allegations arising out of misunderstandings.

12. As stated by respondent no.2/complainant that she made false complaint against petitioner due to the reasons mentioned above, thus, she is liable to be prosecuted under the law. However, keeping in view the fact that the petitioner and respondent No.2 are now married and living happy married life, therefore, I hereby refrain from taking any legal action against the respondent No.2. A similar view was taken by this court in the case of ***Danish Ali v. State and Anr. in Crl. M.C. 1727/2019.***

13. Taking into account the aforesaid facts and the fact that the petitioner and respondent No.2 have already married on 06.11.2020, therefore, this Court is inclined to quash the present FIR as no useful purpose would be served in prosecuting petitioner any further.

14. For the reasons afore-recorded, FIR No. 459/2020 dated 08.10.2020,

for the offence punishable under Sections 376 IPC registered at Police Station – Rani Bagh, Delhi and all other proceedings arising therefrom are quashed.

15. The petition is, accordingly, allowed and disposed of.

16. Pending application also stands disposed of.

17. The order be uploaded on the website forthwith.

SURESH KUMAR KAIT, J

NOVEMBER 26, 2020/ab