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

Date of decision: 14.12.2020

+ BAIL APPLN. 3997/2020

RAVINDER KUMAR

..... Petitioner

Through: Mr. Siddhartha Singh, Adv.

versus

THE STATE

..... Respondent

Through: Mr. Amit Chadha, APP for State
W/SI Saroj Bala, PS Jahangir Puri
with complainant in person

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

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

Crl. M.A. 17284 /2020 (Exemption)

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

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3. Vide the present petition, the petitioner seeks directions thereby to grant anticipatory bail or protection from arrest in favour of the petitioner in FIR No. 539/2020 dated 27.10.2020 lodged in Police Station Jahangir Puri, District-North, Delhi under Section 376/ 506 IPC.
4. Notice issued.

5. Learned APP for State accepts notice.
6. Prosecutrix is personally present in court through VC with W/SI Saroj Bala, IO of the case, she states that due to misunderstanding, she made false allegations of rape which culminated into the present FIR and she seeks unconditional apology from this Court and submits that she does not want to pursue this case, thus, FIR may be quashed
7. 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 a heinous offence, but when the respondent No.2/complainant herself takes the initiative and makes 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.
8. This Court is conscious about the dictum of the Supreme Court in terms of seriousness of the case, however, keeping in view the fact that they remained friends for two years and are also relatives and had consensual

physical relations with each other. Thereafter, they had a break up in the month of February, 2020 and the present FIR is registered on 27.10.2020.

9. Keeping in view the statement made by prosecutrix and the aforesaid fact though the present petition is filed for anticipatory bail, however, while exercising power under Section 482, Cr.P.C., I hereby convert the present petition for quashing of FIR as no useful purpose would be served in prosecuting petitioner any further.

10. For the reasons afore-recorded, FIR No. 539/2020 dated 27.10.2020 registered at Police Station Jahangir Puri and consequent proceedings emanating therefrom are quashed.

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

12. The order be uploaded on the website forthwith.

(SURESH KUMAR KAIT)
JUDGE

DECEMBER 14, 2020/ms