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

Date of decision: 05.02.2020

+ BAIL APPLN. 330/2020

SUMIT KUMAR

..... Petitioner

Through

Mr. Pulkit Therja with Mr. Praney
Jain, Advs.

versus

THE STATE

..... Respondent

Through

Mr. Hirein Sharma, APP for State
SI Amolak, PS Vasant Kunj, North

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

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

CRL.M.A. 2579/2020

Allowed, subject to all just exceptions.

Application is disposed of.

BAIL APPLN. 330/2020

1. The present petition is filed under Section 438 r/w Section 482 Cr.P.C. by the petitioner seeking for grant of anticipatory bail in case FIR No. 31/2020 registered at Police Station – North Vasant Kunj for the offence punishable under Section 376.

2. Notice issued. Learned APP accepts notice on behalf of State.

3. Petitioner is working with Sashastra Seema Bal (SSB) in 32 BN SSB and complainant is working as a nurse in Medanta Hospital, Gurugram, Haryana. Petitioner and complainant came in contact with each other through social networking website facebook and became good friends subsequently. Petitioner had informed the complainant that he is married. However, complainant had stated to the accused/petitioner that she has no objections to his matrimonial relationship of the accused.

4. With passage of time, relationship between petitioner and complainant became intimate and both shared a consensual intimate relationship with each other. Petitioner was posted in Gauhati, Assam and whenever petitioner used to come to Delhi, they used to meet and share consensual sexual relationship. In fact, complainant used to insist petitioner for an intimate relationship and used to take him to her place in Gurugram, Haryana. However, in the month of December, 2019, some dispute arose between petitioner and complainant and both of them did not talk to each other for some time due to which FIR mentioned above was registered on the complaint made by the complainant.

5. Complainant is personally present in Court with IO SI Amolak, PS North Vasant Kunj and states that not only she has any objection to the

present petition, but if this Court quashes the FIR with emanating proceedings thereto against the petitioner she has no objection as she does not want to prosecute the matter further.

6. Complainant/respondent No. 2 also states that she came to know on the very second meeting that the petitioner is married, however, she became intimate to the petitioner, therefore, she was insisting to marry him. The relationship with petitioner was consensual and there was no false assurance that he would marry her. The said complaint was made because the petitioner stopped talking to the complainant.

7. As stated by the complainant that there is nothing substantial in the complaint, however, she made this complaint due to reasons that petitioner was avoiding her, thus she is liable to be prosecuted for making false statement and based upon FIR has been registered.

8. However, keeping in view her fair disclosure before this Court, I refrain from such action.

9. Though the present petition is filed for anticipatory bail, however, complainant who is present in Court submits let FIR be quashed with emanating proceedings thereto while exercising powers under Section 482 Cr.P.C., I hereby convert the present petition into quashing of the FIR and

emanating proceedings thereto.

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. For the reasons afore-recorded, the FIR No. 31/2020 registered at Police Station – North Vasant Kunj and consequent proceedings therefrom, if any, are hereby quashed.

12. The petition is allowed and disposed of accordingly.

13. Order *dasti* under signatures of the Court Master.

(SURESH KUMAR KAIT)
JUDGE

FEBRUARY 05, 2020/ms