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

Date of decision: 20.02.2020

+ CRL.M.C. 962/2020

ASHWANI KUMAR

..... Petitioner

Through Ms.Diksha Mathur and Mr.Mohit
Bangwal, proxy counsel

versus

THE STATE & ANR.

.... Respondents

Through Mr. Amit Chadha, APP for State with
W/ASI Kaushilya, PS Anand Parbat,
Delhi
R-2 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. 3909/2020 (for exemption)

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

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3. Vide the present petition, petitioner seeks direction for quashing of FIR No.0103/2019 registered at Police Station Anand Parbat, Delhi and consequent proceedings arising therefrom.
4. Notice issued.

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

6. Case of the prosecution is that complainant/respondent No.2 and petitioner were having friendly relations since December, 2018 as petitioner was living in Delhi and both met each other in marriage of a friend of complainant, namely Tanvi, thereafter, they became close friends and intended to marry, however, due to some unavoidable circumstance, petitioner went to his native village and could not contact complainant. Hence, complainant had a doubt on petitioner, therefore, she lodged a complaint against petitioner which culminated into FIR.

7. Respondent No.2 is personally present in Court and has been identified by W/ASI Kaushilya (IO). She states that physical intimation between her and petitioner was consensual and they both wanted to marry, however, due to doubt aroused in her mind, she lodged the complaint. Thus, she made a false complaint against petitioner due to which FIR in question was registered.

8. On her statement before this Court, she is liable for prosecution, however, she and petitioner got married on 27.7.2019 and they have been

living as husband and wife happily and if petitioner is directed to face trial, it would be great injustice with the couple, therefore, I refrain from prosecuting respondent No.2.

9. Keeping in view settlement arrived at between parties and the fact that petitioner and respondent No.2 are married, this Court is inclined to quash FIR as no useful purpose would be served in prosecuting petitioners any further.

10. For the reasons afore-recorded, FIR No.0103/2019 registered at Police Station Anand Parbat, Delhi and consequent proceedings emanating therefrom are quashed.

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

12. Order *dasti*

(SURESH KUMAR KAIT)
JUDGE

FEBRUARY 20, 2020/rk