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

Date of decision: 26.08.2020

+ CRL.M.C. 1515/2020

TUSHAR

..... Petitioner

Through Mr.Ravin Rao, Adv.

versus

THE STATE & ANR

..... Respondents

Through Mr.Panna Lal Sharma, APP for the State.

W/SI Dinesh Kumari, PS Rani Bagh with R-2 through Video Conferencing Mr.Akshit Sawal, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (ORAL)

1. The hearing has been conducted through video conferencing.
2. Vide the present petition, petitioner seeks direction thereby for quashing of FIR No.63/2020 dated 08.02.2020, registered at PS – Rani Bagh, Delhi and all other proceedings arising therefrom.
3. Pursuant to order dated 16.06.2020, Respondent No.2 who is present in the Court through video conferencing 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 parties have settled their

disputes and respondent No.2 has given an undertaking which is annexed with the petition and the relevant para of the affidavit is reproduced as under:

“The subject FIR was registered by my due to anger and wrong advice as I had been accused of theft of Rs.25,000/- by the petitioner, whereas no theft as alleged ever took place and the said amount was found by the petitioner himself in his almirah. The petitioner did not establish any forceful physical relations with me and did not commit any rape on me.”

5. Respondent No.2 has been identified by W/SI Dinesh Kumari/IO and submits that matter has been settled and she does not wish to prosecute the matter any further.

6. Petitioner and respondent No.2 have entered into an amicable settlement vide compromise deed dated 14.06.2020.

7. Though 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 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. Moreover, as per the FSL report, DNA of the petitioner and prosecutrix do not match. Though as per the affidavit of prosecutrix/respondent no.2, she is liable to be prosecuted, however, I refrain myself from taking any action against her.

9. Taking into account the aforesaid facts, this Court is inclined to quash FIR as no useful purpose would be served in prosecuting petitioner any further.

10. For the reasons afore-recorded, FIR No.63/2020 dated 08.02.2020, registered at PS – Rani Bagh, Delhi 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. Copy of the order be also forwarded to the learned counsel through email.

(SURESH KUMAR KAIT)
JUDGE

AUGUST 26, 2020/ab