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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Order pronounced on 06.10.2022*

+ CRL.M.C. 1400/2022 & CRL.M.A. 6113/2022

KULDEEP & ANR.

..... Petitioners

Through: Mr. Hemant Kapoor, Adv.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. N.S.Bajwa, APP for State.
Mr. Gaurav Sharma, Adv. (DHCLSC)
for R-2 with R-2 in person.**CORAM:****HON'BLE MR. JUSTICE TALWANT SINGH****Talwant Singh, J.:**

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 319/2016, under Section 376/506/34 IPC, registered with PS Nangloi, West Delhi and further proceedings arising therefrom.

2. It has been submitted on behalf of the petitioners that in March, 2014 petitioner No. 1 received a friendship request from respondent No. 2, who used to visit his maternal uncle, who was neighbour of the petitioners and thereafter they became good friends.

2.1 Between May and June, 2016, petitioner No. 1 received a number of marriage proposals and when he discussed the same with respondent No.2, she became very angry at the petitioner No. 1. The marriage proposal of respondent No. 2 was rejected by the family of petitioner No. 1 on the ground that respondent No. 2 was related as 'Bhanji' of the entire village



Tikri, Delhi where the petitioners reside.

2.2 Respondent No. 2 on rejection of her marriage proposal filed a complaint at PS Nangloi, Delhi. With the intervention of police officers; family members and relatives, talks of marriage took place between petitioner No. 1 and respondent No. 2. In the meantime, due to some misunderstanding, respondent No. 2 filed a complaint at PS Nangloi on 15.07.2016, which resulted in registration of above-mentioned FIR.

2.3 Due to intervention of some responsible and respectable members of society and community, the petitioner No. 1 and respondent No. 2 were able to resolve their differences and their marriage was solemnized on 11.02.2016 as per Hindu Rituals at Akhil Bharat Hindu Mahasabha. They moved a joint petition for quashing of the above-mentioned FIR, which was registered as Crl.M.C.No. 4530/2016 but due to some technical reasons the said petition was dismissed as withdrawn. Copy of the order is annexed as Annexure P-3 to the petition.

2.4 Some differences arose between petitioner No. 1 and respondent No.2, which were referred to Mediation/Conciliation in HMA No. 1886/2018 and in complaint M.C.No. 524/2018. The same were settled in counselling session as well as in Mediation Centre and copies of the said settlements dated 22.09.2021 and 28.09.2021 have been annexed as Annexure P-4 (Colly). It has been submitted that respondent No. 2 has agreed to withdraw the FIR No. 319/2016 and there is no grievance left at her instance against the present petitioners. Petitioner No. 1 and respondent No. 2 are also expecting their first child in October, 2022.

3. Notice was issued. Status report as well as reply on behalf of respondent No. 2 has been filed. Status report details the facts regarding



registration of FIR, recording of statement of respondent No. 2 under Section 164 Cr.P.C. and the marriage between petitioner No. 1 and respondent No. 2 on 27.07.2016 and filing of charge-sheet on 27.02.2018 against the present petitioners. The factum regarding marriage between petitioner No. 1 and respondent No. 2 solemnised on 27.07.2016 has been admitted.

4. In the reply filed by respondent No. 2, it has been mentioned that the FIR was registered due to some misunderstanding and after due intervention of close relatives, all the misunderstanding between the petitioners and respondent No. 2 have been resolved. The complainant/respondent No. 2 is living happily with the petitioners since 2021 and she has willingly signed the no objection dated 03.01.2022 after understanding the contents of the present quashing petition and she has no objection if the FIR is quashed.

5. I have heard both the sides. This is a case where the petitioner No. 1 and respondent No. 2 were in a relationship and their marriage proposal was being discussed by the families. However, due to some old customs the family of petitioner No. 1 initially did not agree for their marriage and at that time respondent No. 2 got the FIR No.319/2016 dated 15.07.2016 registered under Section 376/506/34 IPC. Immediately thereafter, on 27.07.2016 petitioner No. 1 and respondent No. 2 got married as per Hindu Rituals. They lived together for some time. The earlier quashing petition bearing No. 4530/2016 was disposed of as withdrawn on 05.12.2016, without mentioning anything about the merits of this case.

6. Thereafter, certain disputes arose between the two, which resulted in filing of a complaint under Section 12 of the Domestic Violence Act being MC.No. 524/2018, which was referred to Mediation at Delhi Mediation



Centre, Tis Hazari Courts, Delhi and vide settlement dated 28.09.2021 the disputes and differences between both the parties were settled. There was another case for divorce pending between petitioner No. 1 and respondent No. 2 being HMA No. 1886/2018, which was settled in the Counselling Sessions before the Counsellor attached with the Family Court on 02.09.2021.

7. The complainant/respondent No. 2 is living happily with the petitioners. She was present before the Court on 19.09.2022. It was noted on that date that the petitioner No. 1 and respondent No. 2 are living happily as husband and wife and they are expecting their first child in October, 2022. The respondent No. 2 has mentioned in her response that the FIR was registered due to some misunderstanding.

8. Since, respondent No. 2 and petitioner No. 1 are happily married, they are now living together and they are expecting their first child during this month and after settling their disputes before the counsellor and Mediation Centre as mentioned above, the complainant/respondent No. 2 has no grudge against the petitioners and there are very bleak chances of conviction in the case FIR No.319/2016 registered under Section 376/506/34 IPC where charge-sheet has been filed.

9. Considering the above settlement between the parties and that the chances of conviction of the petitioner are bleak, there is no use to continue with the proceedings of the present FIR as parties have settled all the disputes, so I deem it appropriate to quash the FIR.

10. Accordingly, the petition is allowed. Consequently, FIR No.319/2016, under Section 376/506/34 IPC, registered at PS Nangloi, West Delhi and



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further proceedings including the charge-sheet, arising therefrom are quashed. Pending application(s), if any, also stands disposed of.

TALWANT SINGH, J

OCTOBER 6, 2022/mr

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