



\$~30

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

+ **W.P.(CRL) 378/2023**

MANISH KUMAR

..... Petitioner

Through: Mr. Amrendra Kumar Jha, Advocate.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR.

..... Respondents

Through: Mr. Amol Sinha, ASC for the State
with S.I. Priyank Rana, P.S.:
Paharganj.

Mr. Shivendra Singh & Mr. Bikram
Dwivedi, Advocates for the
complainant.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

09.01.2024

%

1. The instant writ petition filed under Article 226 read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C') has been filed by the petitioner seeking quashing of FIR bearing No. 0374/2022 registered at Police Station Pahar Ganj, Delhi for offences punishable under Section 376 of the Indian Penal Code, 1860 ('IPC').
2. Issue notice. Mr. Amol Sinha, learned ASC accepts notice on behalf of the State.
3. Brief facts of the case are that the petitioner and the respondent got in



touch with each other in the year 2015. In November, 2021, the marriage of the petitioner and respondent no. 2 was fixed. However, the petitioner refused to marry the prosecutrix. Thereafter, on 08.08.2022, an FIR was lodged against the petitioner on the complaint of respondent no.2 alleging that the petitioner raped her in the pretext of marriage. On 25.08.2022, the petitioner was arrested and interim bail was granted to accused vide order dated 17.09.2022 for the purpose of marriage with prosecutrix. On 26.09.2022, the marriage between the petitioner and respondent no. 2 got solemnized and regular bail was granted to him on 13.10.2022 by the learned trial court. Thereafter, charge-sheet was filed in the present case. Henceforth, petitioner seeks quashing of the present FIR.

4. Petitioner is present before this Court and has been identified by his counsel Mr. Amrendra Kumar Jha and the Investigating Officer (IO) S.I. Priyank Rana, Police Station, Paharganj.

5. On the query made by this Court, respondent no.2 who has been identified by the IO & has categorically stated that it was a consensual relationship between the parties. It is also stated that the parties got engaged in 2021 and their date of marriage was fixed in June, 2022. Due to misinformation & miscommunication, the present FIR was lodged against the petitioner. At present, the parties have been married for last two years.

6. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

7. Accordingly, FIR bearing No. 0374/2022 registered at Police Station Pahar Ganj, Delhi for offences punishable under Section 376 of the IPC and all consequential proceedings emanating therefrom are quashed.



8. The petition stands disposed of.
9. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 9, 2024/at

Click here to check corrigendum, if any