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

+ **CRL.M.C. 1779/2024 & CRL.M.A. 6790/2024**

AKIL & ANR.

.....Petitioners

Through: Mr. Amit and Mr. Amit Chaubey,
Advocates.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Utkarsh, APP for the State with
Inspector Monika Gautam and ASI
Vikram Singh, P.S.: Karawal Nagar.
Mr. Aagam Jain and Mr. Sushant Pal,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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10.09.2024

CRL.M.A. 27445/2024

By way of the present application filed under section 528 of Bharatiya Nagarik Suraksha Sanhita 2023, respondent No.2/applicant seeks exemption from personal appearance on the ground that she is 17 weeks pregnant. A copy of medical documents in support of the request have been appended to the application.

2. For the reasons stated in the application, which is duly supported by an affidavit, the application is allowed.
3. Respondent No.2, who is represented by counsel, is exempted from personal appearance before this court in the present matter.
4. The application stands disposed-of.

CRL.M.C. 1779/2024

5. By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973, the petitioners seek quashing of case FIR



No. 220/2016 dated 03.07.2016 registered under sections 376/354-C/506 of the Indian Penal Code, 1860 ('IPC') at P.S.: Karawal Nagar, Delhi ('subject FIR'). Consequent upon competition of investigation, allegations under sections 328/34 IPC have been added *vide* chargesheet dated 30.09.2016 filed in the matter.

6. Notice on the present petition was issued on 01.03.2024; pursuant to which Status Report dated 16.05.2024 has been filed on behalf of the State.
7. Mr. Utkarsh, learned APP appearing for the State submits, that in the subject FIR, respondent No.2/complainant had made very serious allegations *inter-alia* of offences under sections 376/354-C IPC against petitioner No.1/the complainant's uncle (*fufaji*). Pursuant thereto, petitioner No.1 was arrested and subsequently remanded to judicial custody. It is submitted that respondent No.2 also recorded a statement under section 164 of the Code of Criminal Procedure, 1973 in which she re-iterated the allegations made even before the learned Magistrate.
8. Subsequently however, in a strange turn of events, it transpired that respondent No. 2 filed an affidavit before the learned ASJ, Karkardooma District Courts, New Delhi stating that her husband and his family were harassing her for dowry; and since those demands could not be met by her mother, the husband and his family hatched a conspiracy to implicate respondent No. 2's relative, namely petitioner No.1 (her uncle) in a false case, in order to extort money from him to satisfy their dowry demands.



9. Upon being queried, respondent No.2 states, that for reasons best known to her husband and his family, they drew-up a false complaint and forced respondent No.2 to file it, alleging the offences as set-out in the subject FIR. In her affidavit filed before the learned ASJ, respondent No.2 has also said that she was tortured and pressurised into filing the complaint, failing which she was threatened with a *triple talaq*. The affidavit also says that by reason of the pressure so exerted upon petitioner No. 1, he had to pay Rs.3,00,000/- to the husband and his relatives (against a demand of Rs.5,00,000/-), for compromising and withdrawing the case. In the affidavit, respondent No. 2 categorically states that the petitioners have *never committed any offence* against her.
10. Respondent No.2 informs the court, that as of today, her marriage stands dissolved.
11. In view of the above bizarre and dangerous position that has come on the record, and after interacting with respondent No.2 at great length, it transpires that by her own reckoning, respondent No. 2 has shown how, supposedly under pressure of her husband and his relatives, she has exposed her uncle to serious criminal charges, which could have landed him prison for an extended period of time. Respondent No. 2 has also thereby misused and abused the criminal justice machinery, based entirely on falsehood and deceit. In view thereof, this court expresses *serious displeasure at the conduct of respondent No.2*.
12. That being said however, and in order *only* to protect the petitioners from what is evidently a clear case of false implication, this court is persuaded to quash the subject FIR. It is also observed that the



allegations in the FIR relate back to incidents of 2011, which culminated in the registration of the subject FIR on 03.07.2016 and the matter has continued to engaged the State machinery for *more than 08 years* now.

13. In the circumstances, relying upon the law laid down by the Supreme Court in ***Gian Singh vs. State of Punjab & Anr.*** reported as (2012) 10 SCC 303 as also in ***Narinder Singh & Ors. vs. State of Punjab & Anr.*** reported as (2014) 6 SCC 466, this court deems it appropriate to quash the subject FIR and all proceedings emanating therefrom.
14. However, while deprecating the conduct of respondent No.2, this court thinks it is also necessary that by way of atonement, *respondent No.2 shall pay costs* of Rs.50,000/- to Friendicoes SECA, No.271 & 273, Defence Colony Flyover Market, Jungpura, New Delhi within 04 weeks.
15. Respondent No.2 is directed to place on record the proof of payment of costs within 02 weeks of payment.
16. Subject to the aforesaid condition, FIR No. 0220/2016 dated 03.07.2016 registered under sections 376/354-C/506 IPC at P.S.: Karawal Nagar, Delhi is quashed. All proceedings arising therefrom also stand closed.
17. The Registry is directed to re-list the matter if costs are not paid as directed.
18. The petition stands disposed-of.
19. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 10, 2024/ak