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

+ CRL.M.C. 2257/2023

JITENDER KUMAR NISHAD @ JITUPetitioner

Through: Mr. Sanjeev Kr. Baliyan, Advocate
(DHCLSC)

versus

THE STATE AND OTHERSRespondents

Through: Mr. Raghuinder Verma, APP for
State with SI Kajal Tyagi
Ms. Naiem Jahan Heena, Mr. Raj
Kumar and Ms. Ritu Garg, Advocates
for R-2 with R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **05.12.2024**

1. The instant writ petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter “Cr.P.C.”) [earlier Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (“BNSS” hereinafter)] has been filed by the petitioner praying for quashing of FIR bearing No.371/2021, registered at Police Station Pahar Ganj, Delhi for offences punishable under Sections 376/506/323/328/377 of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. Learned counsel for the petitioners submits that the petitioner and respondent No.2 became friends through social media app, i.e. Facebook, on 23rd October, 2017 and they met each other at New Delhi Metro Station for the first time on 29th October, 2017. However, thereafter, due to



misunderstanding between them, the respondent No.2 got the FIR registered against the petitioner herein on 15th September, 2021 alleging therein that she has been raped by the petitioner multiple times. The said FIR is annexed as Annexure A to the present petition.

3. It is submitted by learned counsel for the petitioners that petitioner no. 1 and petitioner no.2 got married to each other on 11th October, 2021 at Arya Samaj Mandir, Sector-14, Rohini, Delhi with their own free will and without any pressure as is evident from the Marriage Certificate which is annexed as Annexure B to the present petition.

4. Respondent No.2 is present in Court and she submits that with the intervention of common friends and well-wishers, the petitioner and the respondent No.2 have settled their disputes and they have got married on 11th October, 2021 at Arya Samaj Mandir, Delhi. She further submits that she and petitioner are now living together as husband and wife. She also submits that she does not want to continue the criminal proceedings against the petitioner as they both are married and she has no objection, if the aforesaid FIR is quashed. It is also submitted that no useful purpose would be served if trial against the petitioner continues in the present case.

5. It is prayed that the instant FIR be quashed on the basis of settlement arrived at between the parties as per the Judgment of the Hon'ble Supreme Court passed in ***Gian Singh vs. State of Punjab, (2012) 10 SCC 303.***

6. Mr. Raghuvinder Verma, learned APP for the State submitted that there is no opposition to the prayer made by the petitioners seeking quashing of the aforesaid FIR in view of the settlement arrived at between the parties and the marriage between the petitioners.

7. Heard learned counsel for the parties and perused the record. The



respondent no. 2 has categorically stated that she got married to the petitioner and now she is living happily with him along with her daughter and the respondent no. 2 has also settled all the disputes amicably.

8. The instant criminal proceedings in respect of non-compoundable offences which are private in nature and do not have a serious impact on the society when there is a settlement/compromise between victim and the accused. In such cases, it is settled law that High Court is also required to consider the conduct and antecedents of the accused in order to ascertain that the settlement has been entered into by his own free will and has not been imposed upon him by the petitioner or any person related to him. In the present case, the complainant is present in Court and has categorically stated that he has entered into compromise and settled the entire disputes amicably with petitioner by her own free will without any pressure or coercion. There is also no allegation from respondent no.2 that the conduct and antecedents of petitioner have been bad towards him or towards her.

9. In the case of ***B.S. Joshi & Ors. vs. State of Haryana & Ors, (2003) 4 SCC 675***, the Hon'ble Supreme Court has held that if for purpose of securing the ends of justice, quashing of FIR becomes necessary, Section 320 Cr.P.C. would not be a bar to the exercise of the power of quashing under Section 482 Cr.P.C.

10. Moreover, the Hon'ble Supreme Court in ***Jitendra Raghuvanshi & Ors. vs. Babita Raghuvanshi & Anr., (2013) 4 SCC 58***, has held that criminal proceedings on FIR or complaint can be quashed under Section 482 Cr.P.C. in appropriate cases in order to meet ends of justice.

11. In the instant case, as stated above, the parties have reached on the compromise and amicably settled the entire disputes without any pressure,



therefore, continuance of the criminal proceedings would not serve any purpose.

12. In view of the aforesaid facts and circumstances and submissions made by respondent no. 2 before this Court as also keeping in view the fact that petitioner and respondent no.2 are married and living happily since 2021 and also taking into consideration the judgment of Hon'ble Supreme Court, the present petition is allowed. Accordingly, FIR bearing No.371/2021, registered at Police Station Pahar Ganj, Delhi for offences punishable under Sections 376/506/323/328/377 of the IPC and all consequential proceedings emanating therefrom are quashed.

13. The petition stands disposed of along with pending applications, if any.

CHANDRA DHARI SINGH, J

DECEMBER 5, 2024

Rt/av

Click here to check corrigendum, if any