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

+ **CRL.M.C. 1985/2024 & CRL.M.A. 7644/2024**

DEEPAK YADAV & ORS.

..... Petitioners

Through: **Mr. Satyendra Kumar Sharma, Adv.**

versus

**THE STATE (GNCT OF DELHI) THROUGH SHO, P.S. NEW
ASHOK NAGAR & ANR.**

..... Respondents

Through: **Mr. Ritesh Kumar Bahri, APP for
State with SI Ritika Choudhary, PS.
New Ashok Nagar.
Mr. Pankaj Rai and Ms. Bhawna
Sharma, Advs. For R-2.**

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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15.05.2024

1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.55/2023 under Sections 376/506/509/34 IPC registered at Police Station New Ashok Nagar and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Notice was issued in the present petition on 12.03.2024. The learned APP submits that since the parties have arrived at a settlement and subsequently got married, the State has no objection in case the FIR in question is quashed.
3. The petitioner no.1 (husband) and the petitioner nos.2 to 4, who are close relatives of petitioner no.1, as well as, respondent no. 2(wife) are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Ritika Choudhary, PS. New



Ashok Nagar.

4. The case of the prosecution is that the present FIR was registered at the instance of the respondent no.2 making allegations of rape.

5. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 10.02.2023, which is annexed as Annexure C to the present petition. As per the said settlement, the petitioner no.1 and respondent no.2, who were already in a relationship got married on 20.03.2023. A copy of the marriage certificate is annexed as Annexure D to the present petition. The factum of the marriage is also borne out from the photographs which have been annexed as Annexure E to the present petition.

6. The State has also filed its Status Report verifying the factum of marriage between the petitioner no.1 and the respondent no.2.

7. The respondent no.2, who is present in Court, on a query posed by the Court, states that she got married to the petitioner no.1 on 20.03.2023 and is now happily residing with the petitioner no.1. She further states that she is making her present statement voluntarily, without any pressure or coercion and she has no objection in case the aforesaid FIR is quashed.

8. At this stage, it is apt to refer to the decision of the Hon'ble Supreme Court in ***Kapil Gupta vs. State of NCT of Delhi, (2022) 15 SCC 44***, wherein dealing with the similar circumstances, the Hon'ble Supreme Court was pleased to quash the FIR under Section 376 IPC. The relevant part of the decision reads as under:-

“12. It can thus be seen that this Court has clearly held that though the Court should be slow in quashing the proceedings wherein heinous and serious offences are involved, the High Court is not foreclosed from examining as to whether there



exists material for incorporation of such an offence or as to whether there is sufficient evidence which if proved would lead to proving the charge for the offence charged with. The Court has also to take into consideration as to whether the settlement between the parties is going to result into harmony between them which may improve their mutual relationship.

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16. In that view of the matter, we find that though in a heinous or serious crime like rape, the Court should not normally exercise the powers of quashing the proceedings, in the peculiar facts and circumstances of the present case and in order to give succour to Respondent No. 2 so that she is saved from further agony of facing two criminal trials, one as a victim and one as an accused, we find that this is a fit case wherein the extraordinary powers of this Court be exercised to quash the criminal proceedings.”...

9. In view of the fact that the parties have arrived at a settlement and happily married, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.

10. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

11. Consequently, the petition is allowed and the FIR No.55/2023 under Sections 376/506/509/34 IPC registered at Police Station New Ashok Nagar alongwith all other proceedings emanating therefrom, is quashed.

12. The petition stands disposed of in the above terms.

13. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

MAY 15, 2024/dss