



2024:DHC:7337



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

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Date of Decision: 23.09.2024

+ CRL.M.C. 2328/2024

LUCKY

.....Petitioner

Through: Mr. Digvijay Kumar Singh and  
Ms. Anjali Tayal, Advocates with  
Petitioner in person.

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Ms. Meenakshi Dahiya, APP for State  
with W/SI Reena, PS: Ranjit Nagar  
and respondent No. 2 in person.

**CORAM:****HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

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**J U D G M E N T****ANOOP KUMAR MENDIRATTA, J (ORAL)**

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for quashing of FIR No. 0413/2020, under Section 376 IPC, registered at P.S.: Ranjit Nagar and proceedings emanating therefrom.
2. In brief, as per the case of prosecution, present FIR was registered on 30.11.2020 on complaint of respondent No. 2, who alleged that petitioner established physical relations on pretext of marriage and her Aunt Surjeet Kaur had aborted her pregnancy three to four times. During investigation, prosecutrix corroborated her allegations in statement under Section 164 Cr.P.C.
3. Learned counsel for petitioner submits that physical relations between



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the petitioner and respondent No. 2 were voluntary and consensual. However, the marriage could not be solemnized due to issues in the family of petitioner. He further submits that differences between the parties were resolved after the registration of FIR, and further marriage between petitioner and respondent No. 2 was solemnized on their free will on 20.01.2021.

4. Prosecutrix / respondent No. 2, who is present in person, submits that both the petitioner and prosecutrix / respondent No. 2 were major at the relevant time and are happily married. FIR is stated to have been registered since the marriage could not be solemnized due to issues in family of petitioner. Respondent No. 2 further submits that she is shortly expecting a child out of the marriage and prays for quashing of proceedings.

5. Learned APP for the State submits that since petitioner as well as prosecutrix have already been married and are happily residing together, appropriate view may be taken in light of statement of respondent No. 2.

6. Petitioners in the present case seek to invoke the powers under Section 482 of the Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of Court. In which cases, the power to quash the criminal proceedings or the complaint or FIR may be used when the offender as well as victim have settled their dispute, would depend upon the facts and circumstances of each case and no generalized list or categories can be prescribed. However, the Court is required to give due regard to the nature and gravity of the offence and consider the impact on the society.

7. In serious offences like rape, though the court should be slow in exercising the powers of quashing but is not foreclosed from examining whether there is sufficient evidence, which if, pressed would lead to proving



the charge. Further the stage of proceedings for exercising the powers under Section 482 Cr.P.C., the possibility of conviction in view of settlement between the parties need to be considered. It also needs to be kept in perspective, if the settlement would lead to harmony between the parties and if, the continuation of trial would be adding agony to their life, despite settlement.

8. Observations in para 12 & 13 in ***Kapil Gupta v. State (NCT of Delhi) and Another***, (2022) 15 SCC 44, wherein the proceedings under Section 376 IPC were quashed by the Hon'ble Supreme Court, after referring to principles laid down in ***Narinder Singh v. State of Punjab***, (2014) 6 SCC 466 may be beneficially referred:

*“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.*

*13. The Court has further held that it is also relevant to consider as to what is the stage of the proceedings. It has been observed that if an application is made at a belated stage wherein the evidence has been led and the matter is at the stage of arguments or judgment, the Court should be slow to exercise the power to quash the proceedings. However, if such an application is made at an initial stage before commencement of trial, the said factor will weigh with the court in exercising its power.”*

Reference may also be made to ***Ananda D.V. v. State and Anr.***,



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**Criminal Appeal Nos.394-395 of 2021**, decided on 12.04.2021, wherein FIR under Section 376/380 IPC was quashed by the Hon'ble Supreme Court since the petitioner and respondent no.2 therein entered into a matrimonial alliance after registration of FIR.

9. Petitioner and respondent No. 2 are present in person and have been identified by W/SI Reena, PS: Ranjit Nagar. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion and are since happily married. Respondent No. 2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.

10. On the face of record, petitioner and respondent No. 2 were major at the time of incident and the sexual relations, appear to be consensual, which continued over a period of time. The marriage between petitioner and respondent No. 2 could not be solemnized prior to registration of FIR, due to issues in family of petitioner and was solemnized within a short span registration of FIR. Respondent No. 2 is at an advanced stage of pregnancy and requests for quashing of proceedings, which shall result in better harmony, in the relationship between the parties. Continuation of proceedings would be nothing but an abuse of the process of Court and add agony to the life of parties. Also the chances of conviction are bleak in view of amicable settlement between the parties.

Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. Consequently, FIR No. 0413/2020, under Section 376 IPC, registered at P.S.: Ranjit Nagar and proceedings emanating



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therefrom are quashed.

**11.** In the facts and circumstances, instead of imposing the costs upon the petitioner, he is directed to plant 30 saplings of neem / jamun trees, which are upto 03 feet in height in the area of P.S. Ranjit Nagar after getting in touch with the competent authority (i.e. Horticulture Department of MCD / DDA / Conservator of Forests, Department of Forests & Wildlife, Govt. of NCT of Delhi) through IO / SHO, P.S.: Ranjit Nagar. The photographs of planted saplings alongwith report of IO / SHO concerned shall be forwarded to this Court within eight weeks. Further, the upkeep of the saplings / trees shall be undertaken by the authorities concerned. In case of non compliance of directions for planting of neem / jamun trees, the petitioners shall be liable to deposit cost of Rs. 30,000/- with the Delhi State Legal Services Authority.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned Trial Court for information.

**ANOOP KUMAR MENDIRATTA, J.**

**SEPTEMBER 23, 2024/R**