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

+ **CRL.M.C. 2647/2024**

NITIN GOYAL @ SAMRAT

..... Petitioner

Through: Mr. Ravin Rao, Mr. Gagan
Bhatnagar, Mr. Akshit Sawal, Mr.
Pallav Gupta, Mr. Ayan Sharma,
Advocates alongwith petitioner in
person.

versus

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

..... Respondents

Through: Mr. Amit Ahlawat, APP for the
State with SI Shubham, P.S. Hazrat
Nizamuddin.
Mr. Sanjay Misra, Mr. Mahendra
Vikram Singh, MR. Shivam Sharma,
Mrs. Pramda Mishra & Dr. Rennie
Joyy, Advocates for respondent no. 2
alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

03.04.2024

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CRL.M.A. 10091/2024 (Exemption)

1. Exemption allowed, subject to just exceptions.
2. The application is disposed of accordingly.

CRL.M.C. 2647/2024

3. The present petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') seeks quashing of case FIR No. 324/2020, under



Sections 376/420 of the Indian Penal Code, 1860, ('IPC') and Section 3(1)(r), 3(1)(s) and 3(2)(v) of The Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'SC/ST Act'), registered at P.S. Hazrat Nizammuddin, Distt. South-East, Delhi alongwith the other proceedings emanating therefrom including the chargesheet pending in the Court of Ms. Sheetal Chaudhary, learned ASJ-02/South East District, Saket Court, New Delhi.

4. The brief facts as stated in the complaint filed by respondent no. 2 which led to the registration of the FIR in the present case are as follows:

- a) The respondent no. 2 met the petitioner through a social platform 'Tinder' where they exchanged their contact details for further communication.
- b) On 29.04.2019, the petitioner asked the respondent no. 2 to meet him at Dabolim Airport, Goa, where he introduced himself as an unmarried person, working as an officer in the Navy Aviation Wing. Thereafter, they met each other on several occasions.
- c) On 22.11.2019, the petitioner came to Delhi and pressurised the complainant to spend a night with him in a Hotel named, Sagarita which is situated in Sunder Nagar, New Delhi. The complainant went to the said hotel as the petitioner made a false promise to marry her.
- d) The petitioner had sexual intercourse with the respondent no. 2 on the said day under the garb of a false promise to marry her. Thereafter, on 19.04.2020, over a phone call, the petitioner made certain caste based derogatory remarks to the respondent no. 2 and told her that he is already married to some other girl.
- e) Therefore, on 17.10.2020, the respondent no. 2/complainant filed a



complaint against the present petitioner in furtherance of which the present FIR was registered.

5. Learned counsel for the petitioner submits that latter and respondent no. 2/complainant were good friends and had met each other through a social networking site namely, 'Tinder', however, due to some misunderstanding and temperamental differences between them, respondent no. 2 filed a complaint against the petitioner which resulted in the registration of the present FIR. It is also pointed out that the charges in the present case have been framed against the petitioner by the learned Trial Court on 20.03.2021 and 31.01.2023 and the case is at the stage of prosecution evidence.

6. He further submits that on 30.03.2024, with the intervention of their family members and well-wishers, the petitioner and respondent no. 2 have arrived at a settlement deed (MoU) whereby they have amicably settled all the disputes between them and a copy of the said settlement has been placed on record as Annexure-D.

7. Learned counsel for the petitioner draws attention of this Court towards an affidavit dated 30.03.2024 filed by respondent no. 2/complainant (Annexure-E) alongwith the present petition, wherein it has been stated by the respondent no. 2 that during the pendency of the aforesaid proceedings, she got married and gave birth to a child in 2023 and therefore; she does not wish to pursue the present case against the petitioner as this is adversely affecting her matrimonial life and the upbringing of her child.

8. Learned counsel for the petitioner has also placed reliance on the following precedents: -

i. Mohit v. Govt. of NCT Delhi And Anr., W.P. (CRL) 913/2023



decided on 21.02.2024 by a Coordinate Bench of this Court;

- ii. Himanshu Goel v. The State & Anr., W.P. (CRL) 1296/2022 decided on 18.07.2022 by a Coordinate Bench of this Court;
- iii. Parmanand Mishra & Anr. v. The State NCT of Delhi & Anr., CRL.M.C. 3076/2021 decided on 05.08.2022 by a Coordinate Bench of this Court;
- iv. Ashish Pundir v. State & Anr., CRL.M.C. 2113/2022 decided on 15.11.2022 by a Coordinate Bench of this Court;
- v. Shri Sant Kumar Jain v. State Govt. of NCT of Delhi, 2015 SCC OnLine Del 9598;
- vi. Shakib Ali v. State NCT of Delhi and Another, 2023 SCC OnLine Del 5606;
- vii. Danish Ali v. State & Anr., CRL.M.C. 1727/2019 decided on 26.11.2019 by a Coordinate Bench of this Court;
- viii. Tushar v. The State & Anr., CRL.M.C. 1515/2020 decided on 26.08.2020 by a Coordinate Bench of this Court;
- ix. Vineet Kumar & Ors. v. State of U.P. & Anr., Criminal Appeal No. 577/2017 decided on 31.03.2017 by the Hon'ble Supreme Court of India;
- x. ----- v. State & Anr., Criminal Appeal No. 394-395/2021 decided on 12.04.2021 by the Hon'ble Supreme Court of India;
- xi. Rajendra Kumar Goliya vs. The State of Madhya Pradesh, MANU/MP/0622/2024 decided on 20.02.2024 by the Hon'ble High Court of Madhya Pradesh (Indore Bench);
- xii. Manoj Agarwal & Anr. vs. The State of Uttar Pradesh in Special Leave Petition (Crl.) No. 8242/2021 decided on 04.03.2022 by the



Hon'ble Supreme Court of India;

xiii. S. R. Rajeshwaran vs. The State & Ors., CrI. O. P D]. No. 229/2020 decided on 08.01.2020 by the Hon'ble Madras High Court (Madurai Bench).

9. Respondent no. 2 is present in the Court and submits that she had entered into the settlement out of her own will and without any undue influence, coercion, threat or pressure from any other person. She further submits that the said affidavit has been signed by her voluntarily and without any undue influence of any person.

10. Learned APP for the State submits that the offences involved are serious and not private in nature. The petition is opposed on the said ground.

11. Heard learned counsel for the parties and perused the record.

12. It was the case of the respondent no. 2 in the complaint that she had met petitioner no. 1 on a social platform and had travelled to Goa voluntarily. It is also a matter of record that petitioner no. 1 and respondent no. 2 had in some manner developed a mutual friendship. In the MoU and the affidavit, respondent no. 2 has stated that she and petitioner no. 1 were good friends initially and on account of some misunderstanding and differences between them petitioner no. 1 has filed case No. IPC 0000125/2020 before the Hon'ble Court of Civil Judge Senior Division and JMGC B-Court against respondent no. 2 at Goa and the latter subsequently lodged a complaint against petitioner no. 1 which was converted into the present FIR. The matter has now been resolved between the parties who have undertaken to adhere to the obligations in the MoU dated 30.03.2024.

13. It is also a matter of record that respondent no.2 during the pendency of the aforesaid proceedings has now married and has been blessed with a



baby girl. By way of the aforesaid MoU and the affidavit placed on record she has expressed that her matrimonial life is being adversely affected.

14. In these circumstances, in view of the aforesaid stand of respondent no. 2 the continuation of trial in the present case would be a mere formality. Further, acting on the present MoU the respective litigation between the parties is brought to a quietus.

15. In view of the aforesaid peculiar circumstances, and the fact that the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 324/2020, under Sections 376/420 of the Indian Penal Code, 1860, ('IPC') and Section 3(1)(r), 3(1)(s) and 3(2)(v) of The Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'SC/ST Act'), registered at P.S. Hazrat Nizammuddin, Distt. South-East, Delhi alongwith the other proceedings emanating therefrom including the chargesheet pending in the Court of Ms. Sheetal Chaudhary, learned ASJ-02/South East District, Saket Court, New Delhi.

16. In the interest of justice, the petition is allowed, and the FIR No. 324/2020, under Sections 376/420 of the Indian Penal Code, 1860, ('IPC') and Section 3(1)(r), 3(1)(s) and 3(2)(v) of The Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'SC/ST Act'), registered at P.S. Hazrat Nizammuddin, Distt. South-East, Delhi alongwith the other proceedings emanating therefrom including the chargesheet pending in the Court of Ms. Sheetal Chaudhary, learned ASJ-02/South East District, Saket Court, New Delhi, is hereby quashed.

17. Petition is allowed and disposed of accordingly.



18. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

APRIL 03, 2024/sn

Click here to check corrigendum, if any