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

+ CRL.M.C. 2744/2024 & CRL.M.A. 10476/2024

MUJAHID ALI

.....Petitioner

Through: Mr. Abid Ibrahim, Adv.

versus

THE STATE (GNCT OF DELHI) AND ANR

.....Respondent

Through: Ms. Priyanka Dalal, APP
WSI Ritu, PS Nangloi

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
17.12.2024

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1. This is a petition seeking quashing of F.I.R No. 515/2021 dated 29.07.2021 under Sections 376/377/506 of IPC registered at Police Station Nangloi.
2. As per the F.I.R., it is stated that the petitioner established physical relationship with the complainant on the pretext of marriage. Thereafter, since the parties could not get married, the F.I.R was registered.
3. During the pendency of the proceedings, the parties have gotten married and are living happily together.
4. Petitioner is present in Court and has been identified by his counsel, Mr. Abid Ibrahim.
5. Respondent No. 2 is also present in Court and has been identified by the Investigating Officer, SI Ritu Police Station Nangloi. She states that the



parties are living together and have been blessed with a baby and she has no objection if the FIR is quashed.

6. A coordinate Bench of this Court has taken a view in the judgment dated 25.03.2021 in CRL.M.C.1015/2021 titled '**Vikash Kumar v. The State & Anr.**' Relevant paragraphs read as under:

*"8. In the present case, the allegation in the FIR is that the prosecutrix and the accused were working in the same place and have become friends. They fell in love and were living together for two years. The accused went to his native place and the FIR was lodged alleging rape. The prosecutrix has married the accused with whom she was living for two years. The prosecutrix in her affidavit has affirmed the statements made in the petition under Section 482 Cr.P.C. that the parties got married on 01.10.2020 according to Hindu Rites and Ceremonies. Their families have accepted the marriage and they have a child from the marriage. In the facts of the case, continuation of the proceedings would cause immense harm to the prosecutrix and the small child. **This Court is aware that offences like rape cannot be quashed by exercising jurisdiction under Section 482 Cr.P.C. if a compromise has been reached, but, at the same time, this Court cannot ignore and overlook the welfare of the small child and the future of the prosecutrix.***

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10. Mr. Raja Ram Sharma, learned counsel appearing for the petitioner has placed reliance on an order dated 07.09.2020 passed by this Court in Bitu Yadav @ Vikas Yadav v. State(NCT of Delhi) & Anr., [CRL.M.C.1761/2020], wherein this Court has quashed the FIR where the prosecutrix and the accused were married. Paras 17, 18 and 19 of the said order, read as under:

"17. In view of the submissions made by the respondent No.2 before this Court, the respondent No.2 is liable to be prosecuted. However, keeping in view the fact that the petitioner and respondent No.2 are married and living happy married life, I hereby refrain from taking any legal action against the respondent No.2. A similar view was taken by this court in the case of Danish Ali v. State and Anr. in Crl.M.C.1727/2019.



18. Taking into account the aforesaid facts and the fact that the petitioner and respondent No.2 are in love affair since 2013 and they are married, this Court is inclined to quash FIR as no useful purpose would be served in prosecuting petitioner any further.

19. For the reasons afore-recorded, FIR No.384/2020 dated 31.07.2020, for the offence punishable under Sections 376/506 IPC, registered at PS-Dwarka North, Delhi and consequent proceedings emanating therefrom are quashed.”

(emphasis added)”

(emphasis supplied)

7. In offences under Section 376 of IPC, the Court must be circumspect while quashing the FIR as these are offences against society, even when a compromise has been reached. But at the same time, the Court cannot overlook that both the parties i.e. respondent No. 2/prosecutrix and petitioner are married and have a child born from the wedlock. In the present case, the respondent No. 2 has herself made the statement that she wants to put a quietus to the matter without any undue influence, threat, pressure or coercion and out of her own free will. Further, there is no criminal intent involved in the act and it is not a case where there was a forceful physical relationship with the respondent No. 2 on the date of incident. The respondent No. 2 was in love with the petitioner and thereafter they both got married and one son is stated to be born from the wedlock.

8. I am of the opinion that no useful purpose would be served in prosecuting the FIR any further on the ground that the parties wish to reside together and a voluntary settlement has been arrived at.

9. The Court does not see any fruitful purpose if criminal proceedings as permitted to continue any further. It is a fit case for quashing. In this view of the matter, there is no reason to continue the proceedings.



10. In this view of the matter, F.I.R No. 515/2021 dated 29.07.2021 under Sections 376/377/506 of IPC registered at Police Station Nangloi and consequential proceedings emanating therefrom are hereby quashed.

11. The petition is disposed of accordingly.

JASMEET SINGH, J

DECEMBER 17, 2024/sp