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

+ **CRL.M.C. 3533/2023 & CRL.M.A. 13308/2023**

SH NEERAJ AND ORS

..... Petitioners

Through: Mr. Rohit Kaliyar, Mr Akarsh
Mishra, Advocates with petitioners in
person.

versus

STATE OF NCT OF DELHI AND ANR

..... Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
with SI Ritu PS Mohan Garden,
Delhi.
Respondent No.2 through VC.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

08.04.2024

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1. The present proceedings are instituted under Section 482 Cr.P.C. on behalf of the petitioners seeking quashing of FIR No. 44/2021 registered under Sections 377/354B/313//34 IPC at Police Station Mohan Garden, Delhi as well as consequent proceedings on the ground that the parties have amicably settled their disputes.
2. The allegations in the present FIR arise out of disputes between the petitioner (husband), his family members and respondent No.2 (wife) wherein she experienced repeated physical as well as mental trauma.
3. Mr. Sanjeev Sabharwal, learned APP for the State, on instructions, submits that the petitioners are the only accused persons and respondent No.2 is the complainant/victim in the present case.
4. The petitioner No.1 is present in the Court and is identified by his



counsel and the IO. Respondent No.2 is present through VC and is identified by the IO.

5. Learned counsel for the petitioners submits that the present FIR came to be registered under Section 377/313/354B IPC against the petitioner No.1 who was the respondent No.2's husband as well as his family members. It is stated that the charge-sheet has been filed under the aforesaid sections and even cognizance has been taken. He further submits that the petitioners and respondent No.2 have arrived at a settlement vide MOU, copy of which has been placed on record.

6. The respondent No.2 states that the maintenance case mentioned in the MOU was withdrawn and the complaint which was sent to the DGP, Haryana was never pursued. She further states that she has been granted divorce by mutual consent on 31.10.2023 and except for the present FIR, no other proceedings are pending between her and the petitioners. She further states that she has no objection to the quashing of the present FIR insofar as the present petitioner No.1 is concerned. However, the proceedings against the other accused persons be continued._

7. At this stage, learned counsel for the petitioner states that the petitioner No.1 and the respondent No.2 were known to each other prior to their marriage and FIR No. 691/2019 was registered at the behest of the respondent No.2 under Section 376 IPC at PS Uttam Nagar, Delhi which was compromised and the same was quashed vide judgment dated 29.01.2020 by this Court in CrI. M.C. 489/2020. He submits that there is no other proceedings pending between the parties.

8. It is informed that against the petitioner No.1 charges have been framed under Sections 377/313 IPC. Insofar as the offence under Section



313 IPC is concerned, learned counsel for the petitioners referred to this Court's order dated 29.10.2021 passed in Bail Appln. 2706/2021 wherein while admitting the petitioner No.1 on bail, the medical documents were examined and it was noted that there was no history of preceding amenorrhea and thus the respondent No.2 was not pregnant at that time. The Court's attention is also drawn to the charge-sheet on the aforesaid aspect wherein the opinion of the Dr. Priyanka Roy is also reiterated.

9. Considering the fact that the parties i.e. petitioner No.1 and respondent No.2 were married to each other and during the subsistence of marriage, the allegations under the aforesaid sections have been levelled keeping in view the no objection given by the respondent No.2, who herself is an advocate, the proceedings against petitioner No.1 under the aforesaid sections are quashed. However, the trial against the remaining accused persons shall continue.

11. With the above directions, the petition is disposed of alongwith miscellaneous application.

MANOJ KUMAR OHRI, J

APRIL 8, 2024/rd