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

+ **CRL.M.C. 2989/2024**

RAHUL

.... Petitioner

Through: Mr. Shiv Chopra, Mr. Siddharth Arora and Mr. Akshay Rohmetra, Advs.
Petitioner in person.

versus

STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Raj Kumar, APP for State with W/SI Sangam Yadav Police Station Mayur Vihar
Ms. Gayatri Nandwani and Ms. Mudita Sharda, Advs. for R2
R2 in person.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **16.04.2024**

CRL.M.A. 11479/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 2989/2024

3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.14/2023 under Sections 376/506 IPC registered at Police Station Mayur Vihar-1 and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.



4. Issue notice. The learned APP for the State accepts notice. He, on instructions from the IO, who is present in Court, submits that since the prosecutrix, as well as, the petitioner got married, the State has no objection in case the FIR in question is quashed.
5. The petitioner no.1 (husband), 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 W/SI Sangam Yadav Police Station Mayur Vihar.
6. The brief facts of the case are that FIR was registered on a complaint made by the respondent no. 2 wherein it was alleged that the petitioner herein established physical relations with her against her will.
7. On the complaint made by the respondent no. 2, the aforesaid FIR came to be registered.
8. The learned counsel for the petitioner submits that during the pendency of the proceedings the prosecutrix and the petitioner got married on 14.05.2023. The respondent no. 2 who is present in Court affirms the factum of having married the present petitioner.
9. On a query posed by the Court, the learned APP, on instructions from the IO, who is present in Court also verifies the factum of marriage.
10. The learned APP for the State further submits that the respondent no. 2 / prosecutrix has not supported the case of the prosecution even in her statement recorded under Section 164 CrPC.
11. Reference may also be held to the decision of this Court in ***Rohit Paswan Vs. State Govt. of NCT of Delhi & Anr. in CRL. M.C. 514/2014*** order dated 15.03.2024, wherein under similar circumstances this Court observed as under:



*“10. At this stage, apt would it be to refer to the observations of the Supreme Court in **Gian Singh v. State of Punjab**, (2012) 10 SCC 303: (SCC p. 340, para 58)*

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”

*11. Profitable would it be to refer to the judgment of a coordinate Bench of this Court in **Prem Kumar vs. State and Ors.**, 2024 SCC OnLine Del 628, wherein this Court after considering the ratio laid down in **Gian Singh** (supra) in similar facts and circumstances has held as under:-*

“10. No doubt Section 376 IPC and Section 6 of the POCSO Act are not compoundable under Section 320 Cr. P.C., however, as explained by Hon'ble Supreme Court in Gian Singh's, Narinder Singh's, Parbatbhai Aahir's and Laxmi Narayan's cases (supra), the authority of the High Court under Section 482 Cr. P.C. remains unrestricted by the provisions of Section 320 Cr. P.C. It can use its inherent powers under Section 482 Cr. P.C. to quash FIRs and criminal proceedings if deemed necessary based on the specific facts and circumstances of the case, either to serve the interests of justice or to prevent the misuse of the court process. This power can even be exercised in cases where the offenses are non-compoundable, but the parties have reached a settlement among themselves.

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12. In the present case, the parties have already married each other, as stated by the learned counsel for the petitioner. Attention of this Court has been drawn to the



Affidavit-cum-No-objection given by respondent no. 3, where she has stated that she has no objection in case the FIR is quashed. One cannot lose sight of the fact that both the petitioner and the respondent no. 3 are happily residing together with their two minor children and are considering to restart their lives together with a new beginning. This Court cannot be a silent spectator to or turn its back on the distressed family. If the impugned FIR is not quashed, the petitioner will have to face incarceration for at least 10 years which will negatively impact their lives, including their two minor children. The mistake or blunder, which otherwise constitutes an offence, has been committed due to immature act and uncontrolled emotions of two persons, out of whom, one was a minor, on the verge of majority, at the time of incident as claimed by the state.

13. The petitioner's prosecution and conviction will lead to pain and tears in the eyes of the family members of both the parties and future of two families will be at stake, whereas, if the impugned FIR is quashed, it would serve the ends of justice and would bring joy to both the families and two minor children as well.”...”

12. In view of the above legal position, there is no impediment in quashing the FIR. Further, having regard to the fact that the parties have arrived at a settlement and the petitioner and respondent no.2 got married and have been living together, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.

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

14. Consequently, the petition is allowed and the FIR No.14/2023 under Sections 376/506 IPC registered at Police Station Mayur Vihar-1 alongwith all other proceedings emanating therefrom, is quashed.



15. The petition stands disposed of in the above terms.
16. Order be uploaded on the website of this court.

APRIL 16, 2024
N.S. ASWAL

VIKAS MAHAJAN, J