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

+ CRL.M.C. 4423/2023 and CRL.M.A. 16976/2023

SANTOSH SHARMAPetitioner

Through: Mr.Murari Tiwari, Ms.Madhu Tiwari,
Mr.Rahul Kumar, Ms.Indira and Mr.Mukund,
Advocates

versus

STATE (NCT OF DELHI) & ORS.Respondents

Through: Mr. Laksh Khanna, APP for State with
SI Jaiveer

Respondent Nos.2 and 3 in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **22.07.2024**

1. The present petition has been filed seeking quashing of FIR No.105/2017 registered under Sections 363/174A IPC at P.S. Palam Village, Delhi and the consequent proceedings pending before the concerned court.
2. As per the allegations in the FIR registered by father of the respondent No. 2, the respondent No. 2 left the house to buy something and never returned.
3. Learned APP for the State submits that in the present case the petitioner is the only accused and respondent No.2 is the victim and respondent No. 3 is the complainant/father of the victim.
4. Learned counsel for the petitioner submits that in the present case, the FIR came to be lodged on the missing report of 'P' by her father. He submits that the petitioner and 'P' were known to each other and have subsequently got married on 05.04.2019. He submits that 'P' is presently 23 years of age and in this regard, reference is also made to the Aadhaar Card of 'P'. He



submits that the factum of marriage has been stated in the proceedings at the time of grant of bail and draws the attention of the Court to the order dated 03.05.2023 vide which the petitioner was admitted to bail. He further submits that the petitioner never wanted to evade the process of the Court and duly submitted himself when he sought bail. As regards to the allegations under Section 174A, he submits that after their marriage, the petitioner alongwith respondent No. 2 were living in Lucknow until 2022 and not residing at the given address. Therefore, no notices and summons were ever served upon him, resulting in the initiation of proceedings under Section 82 Cr.P.C.

5. The petitioner, who is present in the Court, has been identified by his counsel as well as by the Investigating Officer. Respondent No.2, who is present in the Court alongwith her father, has also been identified by the Investigating Officer.

6. Considering that the chargesheet has been filed only under Sections 363 and 174A IPC and the further fact that the petitioner and 'P' have got married to each other and are residing as husband and wife; the complainant also does not wish to pursue the present FIR and since no useful purpose will be served in continuance of the present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed.

7. With the above directions, the petition is disposed of alongwith the pending application.

MANOJ KUMAR OHRI, J

JULY 22, 2024

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