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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3010/2022**
AMIT MITTAL

..... Petitioner

Through: Mr.Pardeep Gupta, Mr.Parinav
Gupta & Ms.Mansi Gupta,
Advs. with petitioner in person.

versus

STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr.Ajay Vikram Singh, APP.
Mr.Pradeep Kumar, Adv. for R-
2 with respondent no.2 in
person.
Ms.Gayatri Nandwani &
Ms.Mudita Sharda, Respondent
No.2 i.e. (Prosecutrix)

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **08.01.2024**

1. This petition has been filed by the petitioner seeking quashing of the FIR No.669/2021 registered at Police Station: Lahori Gate, North Delhi, Delhi under Sections 376/506 of the Indian Penal Code, 1860 (in short, 'IPC'). Subsequently, the Charge-Sheet also stands filed against the petitioner for the above offence.

2. The above FIR has been lodged by respondent no.2 on the allegation that the complainant, respondent no.2 herein, was working with the petitioner as a Stock Manager and on 11.08.2021, he forced himself on her. He later performed marriage ceremony with the



respondent no.2 at Arya Samaj Mandir on 29.08.2021. He also took a rented accommodation, wherein he again made a physical relationship with respondent no.2. Later, he told the respondent no.2 to go to her house. When she came back, she found that the petitioner had vacated rented accommodation, and later came to know that the petitioner was earlier married.

3. The Respondent no.2 has now filed an affidavit stating that the petitioner was well-known to her and they were having family relation. She states that she had filed the above FIR based on some misunderstanding, which has now been amicably settled out of her own free will and consent.

4. Respondent no.2 is also personally present in Court and has been identified by the IO. She reiterates that she has filed the complaint based on some misunderstanding and does not wish to pursue with the complaint against the petitioner.

5. The learned counsel for the petitioner also draws my attention to the statement of the respondent no.2 recorded under Section 164 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') to submit that in the said statement, the respondent no. 2 had not stated that actual physical relation was made on 11.08.2021, the date of the alleged first incident. Her statement also shows that she was aware of the petitioner being married.

6. The learned counsel for the petitioner submits that the petitioner is also willing to deposit costs of Rs.2,00,000/- with the *Delhi State Legal Services Authority*.

7. The learned APP, on the other hand, submits that keeping in



view the nature of the offence, this would not be a case which would deserve to be quashed only because of a settlement arrived at between the parties.

8. I have considered the submissions made.

9. Keeping in view that the respondent no.2 was admittedly a major when she had willingly entered into a physical relationship with the petitioner, though on a promise of marriage, her statement recorded under Section 164 Cr.P.C., and the fact that she does not wish to pursue her complaint any further, and in view of the guidelines issued by the Supreme Court in ***Kapil Gupta v. State (NCT of Delhi)***, 2022 SCC OnLine SC 1030; ***Gian Singh v. State of Punjab***, (2012) 10 SCC 303; and ***Parbathai Aahir @ Parbatbhai Bimsinh Karmur & Ors. v. State of Gujarat & Ors.***, (2017) 9 SCC 641, I find that no useful purpose will be achieved in continuing with the proceedings of the present FIR. The chances of its success will be rather minuscule.

10. Accordingly, FIR No.669/2021 registered with the Police Station: Lahori Gate, North-Delhi, Delhi, under Sections 376/506 IPC and all the proceedings emanating therefrom are quashed, subject to the condition that the petitioner deposits the costs of Rs.2,00,000/- with the *Delhi State Legal Services Authority*, within ten days from today. The amount so deposited shall be utilised by the *Delhi State Legal Services Authority* for providing counselling/psychological support to the POCSO Victims requiring such assistance.

11. The petitioner shall file with the Registry of this Court, proof of deposit of the above costs of Rs. 2,00,000/-, and also supply a copy



thereof to the concerned IO within the above said period.

12. The petition is disposed of.

NAVIN CHAWLA, J

JANUARY 8, 2024/rv/ss

Click here to check corrigendum, if any