



\$~32

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

+ **W.P.(CRL) 1934/2023, CRL.M.A. 17903/2023 & CRL.M.A. 17904/2023**

YASH KUMAR

..... Petitioner

Through: **Mr. Bibhuti Bhushan Mishra and Ms. Renu, Advocates**

versus

GOVERNMENT OF NCT OF DELHI

AND OTHERS

..... Respondents

Through: **Mr. Amol Sinha, ASC for the State with SI Shamsher Singh, P.S. Sarita Vihar.**
Mr. Anjani Kumar Mishra, Mr. Dipak Raj and Mr. Kamlesh Kumar Mishra, Advocates for respondents.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

24.01.2024

%

1. The instant petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of petitioner seeking quashing of FIR bearing no. 102/2017, registered at Police Station Sarita Vihar, Delhi for offence punishable under Section 363 of Indian Penal Code, 1860 ('IPC') and all consequential proceedings emanating therefrom.
2. Petitioner is present before this Court and has been identified by his



counsel Mr. Bibhuti Bhushan Mishra and Investigating Officer (IO) SI Shamsheer Singh from Police Station Sarita Vihar, Delhi.

3. Brief facts of the case are that the present FIR in this case was registered on 01.04.2017 on the complaint of the father of Ms. 'R' and it was reported that Ms. 'R' was missing. It is stated that chargesheet in this case was filed before the concerned court. However, it is stated that the petitioner and Ms. 'R' got married on 04.04.2017. On same year when the FIR was registered, the parties were blessed with two children. Ms. 'R' is present before this Court who states that the present FIR was registered under some misunderstanding. As per her statement recorded under Section 164 of Cr.P.C., she stated that she was about 19 years of age at the time of registration of FIR. As per the state of prosecutrix under Section 164 of Cr.P.C., she had given statement that she was not kidnapped by the present petitioner but she had gone to the railway station for the purpose of committing suicide after she had a fight with her mother. The present petition herein had saved her life and the story ends up before this Court.

4. On the query made by this Court, respondent no.2 who has been identified by the IO, has categorically stated that she has entered into compromise out of her own free will and without any pressure, coercion or threat. It is also stated by respondent no.2 that the entire dispute has been amicably settled between the parties *vide* joint agreement cum agreement dated 04.07.2023 entered into between them. Today, the complainant who is present in Court states that she has no objection if the FIR is quashed.

5. In view of the above fact that the parties have amicably resolved their differences of their own free will, and without any coercion, no useful purpose will be served by continuing the proceedings, rather the same would



create further acrimony between them. It would thus be in interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

6. Accordingly, FIR bearing no. 102/2017, registered at Police Station Sarita Vihar, Delhi for offence punishable under Section 363 of IPC and all consequential proceedings emanating therefrom are quashed.

7. The petition stands disposed of.

8. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JANUARY 24, 2024/zp

[Click here to check corrigendum, if any](#)