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

+ **CRL.M.C. 3220/2022 & CRL.M.A. 13544/2022**

RAM KUNWAR RAJBHAR & ANR.

.....Petitioners

Through: Mr. Ambuj Maurya (UP02560/22),
Advocate along with Petitioner in
person.

versus

STATE NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Aman Usman, APP for the State
with Ms. Neha, Ms. Anshu, Mr.
Daman Kahri, Mr. Abhishek, Mr.
P.C. Mann, Mr. Nanda Prasad, Ms.
Tanshi Arora, Advocates.
SI Vinod Kumar (D-838), PS
Mehrauli
Respondent Nos.2 and 3 in person.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

03.09.2024

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1. The Petitioner has approached this Court for quashing the FIR No.521/2018 dated 03.08.2018, registered at Police Station Mehrauli for an offence punishable under Section 363 IPC.
2. The present FIR was initially got registered for an offence punishable under Section 363 IPC by Respondent No.2 stating that his Daughter/Respondent No.3 is missing. It is stated that subsequently, it was found that his missing Daughter was recovered from the house of his maternal aunt. There is no allegation of sexual assault by any person. Later



on chargesheet was filed for offences punishable under Sections 368/506/34 IPC and Sections 17/21 of the POCSO Act.

3. It is stated that the Petitioner and Respondent No.3 are now married.

4. Learned APP appearing for the State opposes the quashing of the FIR on the ground that there are more than one accused in the FIR.

5. Today, the Petitioner, Respondent No.3 and the Respondent No.2, who is the father of Respondent No.3, are present in Court. All of them have been identified by the learned Counsel for the Petitioner and the Investigating Officer. The Respondent No.3 states that she has now married to the Petitioner and living happily with him. She states that she does not want to pursue the present case any further and requests that the present FIR and the proceedings emanating therefrom may be quashed. The parties undertake that they will remain bound by the proceedings recorded before this Court.

6. Even though there are more than one accused persons, this Court is inclined to quash the FIR in order to avoid any further complication in the marital life of the Petitioner and the Respondent No.3 because the dispute was primarily around the kidnapping of Respondent No.3 who has now married to the main accused/Petitioner and is living happily with him. Considering the fact that the present case is squarely covered under the law laid down by the Supreme Court in Gian Singh v. State of Punjab, (2012) 10 SCC 303, this Court is satisfied that no useful purpose would be served in continuing with the present proceedings. Resultantly, the FIR No.521/2018 dated 03.08.2018, registered at Police Station Mehrauli for an offence punishable under Section 363 IPC and after filing of the chargesheet, the offences punishable under Sections 368/506/34 IPC and Sections 17/21 of



the POCSO Act and the proceedings emanating therefrom are hereby quashed

7. The petition stands disposed of in above terms, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

SEPTEMBER 3, 2024

S. Zakir