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

+ **CRL.M.C. 4968/2024**

AMIT KUMAR & ANR.

.....Petitioners

Through: Ms. Nikita Sharma, Advocate
(DHCLSC Pro-bono)

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Shoaib Haider, APP for the State.
Insp. Naveen Kumar, SI Ravinder
Chhikara, PS Swaroop Nagar.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **03.07.2024**

CRL.M.A. 18999/2024 (Exemption)

Allowed, subject to all just exceptions.

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1. This petition under Section 482 CrPC has been filed for quashing FIR No.135/2019 dated 22.04.2019 registered at Police Station Swaroop Nagar for offences under Section 363 IPC.
2. Facts of the case reveal that on the complaint of Respondent No.2 alleging that he has abducted Petitioner No.2, who is the daughter of Respondent No.2 herein, FIR No.135/2019 was registered against Petitioner No.1. However, material on record discloses that Petitioner No.2 had eloped with Petitioner No.1 herein on her own accord and they got married on 29.11.2023. It is stated that there is a child out of the wedlock of the

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Petitioners. The Complainant/Respondent No.2, i.e. the father of the Petitioner No.2, has filed an affidavit stating that since his daughter is married and settled in her life and also has a child from the wedlock, he does not want to pursue the case. Material on record discloses that Petitioner No.2 was 17 years of age at the time of registration of FIR. In her statement under Section 164 Cr.P.C, Petitioner No.2 has stated that she went with Petitioner No.1 on her own will.

3. It is well settled that the purpose of Section 482 Cr.P.C is primarily to secure the ends of justice. In Rajiv Thapar v. Madan Lal Kapoor, (2013) 3 SCC 330, the Supreme Court has observed as under:

"30. Based on the factors canvassed in the foregoing paragraphs, we would delineate the following steps to determine the veracity of a prayer for quashment raised by an accused by invoking the power vested in the High Court under Section 482 CrPC:

30.1.Step one: whether the material relied upon by the accused is sound, reasonable, and indubitable i.e. the material is of sterling and impeccable quality?

30.2.Step two: whether the material relied upon by the accused would rule out the assertions contained in the charges levelled against the accused i.e. the material is sufficient to reject and overrule the factual assertions contained in the complaint i.e. the material is such as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false?

30.3.Step three: whether the material relied upon by the accused has not been refuted by the prosecution/complainant; and/or the material is such that it cannot be justifiably refuted by the prosecution/complainant?



30.4. Step four: whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

30.5. If the answer to all the steps is in the affirmative, the judicial conscience of the High Court should persuade it to quash such criminal proceedings in exercise of power vested in it under Section 482 CrPC. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as proceedings arising therefrom) specially when it is clear that the same would not conclude in the conviction of the accused."

4. Applying the abovementioned principles to the facts of this case and considering the fact that Petitioners No.1 & 2 are happily married now and they have a child as well, this Court is of the opinion that chances of conviction in the present case are exceedingly low.

5. Today, the Petitioner No.1 and the Respondent No.2 are present in Court. They have been identified by their respective counsels and the Investigating Officer. The complainant states that he has settled all the disputes with the Petitioner No.1 out of his own free will, without pressure, coercion or undue influence.

6. Considering the fact that the petitioners are happily married and that the chances of conviction in the present case are very remote and in view of the settlement arrived at between the parties, this Court is of the opinion that no useful purpose will be served in continuing with the present proceedings. Resultantly, FIR No.135/2019 dated 22.04.2019 registered at Police Station Swaroop Nagar for offences under Section 363 IPC and the proceedings



emanating therefrom are hereby quashed. The parties shall remain bound by the terms of the settlement and the undertaking given to the Court.

7. The Petition is disposed of along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

JULY 03, 2024

Rahul