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

+ **CRL.M.C. 5230/2024**

MUJIBUR REHMAN

.....Petitioner

Through: Mr. Raj Kumar, Mr. H. Rehman,
Advts. with Petitioner-in-person.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Sanjeev Shabarwal, APP for the
State
SI Anjali, PS, Mayur Vihar
Mr. SK Sharma, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

18.11.2024

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1. This is a petition filed under section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking quashing of FIR No. 0534/2021 dated 09.09.2021 under Section 376/506/323 of IPC, PS Mayur Vihar, Delhi.
2. The petitioner is the brother-in-law (Devar) of the respondent No. 2/complainant and the allegations are that he sexually assaulted the complainant on 2 occasions, once in 2016 and another in 2019.
3. However, the complainant and her husband have arrived at a settlement on 04.03.2022, wherein it was agreed that Rs. 7 lakhs will be paid to the complainant by her husband and further she will cooperate in quashing of the FIR.
4. The petitioner is present in Court and is identified by Mr. Raj Kumar, learned Counsel and the complainant is also present and is identified by Mr. SK Sharma, Advocate and SI Anjali, PS, Mayur Vihar.
5. In the present case, the husband of the complainant and the



complainant were having matrimonial disputes since 2021. It is only in 2021, the aforesaid FIR has been lodged alleging incidence of sexual exploitation in the year 2016 and 2019. No reasons have been given as to why the complainant chose not to initiate proceedings for such a long period of time. Hence, it is plausible that the FIR was registered against the petitioner on account of matrimonial disputes between the complainant and the husband of the complainant .

6. I am informed that two children were born out of the wedlock between the husband of the complainant and the complainant.

7. As per the judgment of the Hon'ble Supreme Court in '*Ganesh vs. Sudhirkumar Srivastava*' [(2020) 20 SCC 787], the settlement and this order shall not affect the rights of the two children in claiming the rights of maintenance, inheritance, education, marriage etc. against husband of the complainant and complainant.

8. I am satisfied that the matter has been settled and the settlement is lawful. Since the parties have arrived at a settlement and no disputes are pending, I am convinced that quashing of such proceedings on account of compromise would bring about peace and would secure ends of justice. The Court does not see any fruitful purpose if criminal proceedings are permitted to be prosecuted any further.

9. In this view of the matter, there is no reason to continue the proceedings. Hence, the aforesaid FIR and the consequential proceedings arising therefrom are quashed.

10. The present petition is disposed of.

JASMEET SINGH, J

NOVEMBER 18, 2024/NG