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

+ **CRL.M.C. 5593/2022**

KUNDAN KUMAR

..... Petitioner

Through: Mr.C.S.Rathour, Mr.Pramod
Kumar Singh, Mr.Sanjeev
Singh Rajput, Ms.Neetu Gaur,
Advs.

versus

STATE OF NCT OF DELHI & ANR. Respondents

Through: Mr.Aman Usman, APP with SI
Poonam.

Wife of the petitioner is present
Father of the alleged victim is
also present in Court.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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08.04.2024

CRL.M.A. 23839/2022

1. This application has been filed seeking impleadment of respondent no.3.

2. Having perused the contents of the application, the same is allowed.

3. Let the amended memo of parties be taken on record.

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4. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No.0045/2021 registered at Police Station: Naraina, under Section



363 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on the basis of a settlement. (Sections 366A/376 IPC and Section 6 of Protection of Children from Sexual Offences, 2012 were later added in FIR no.45/2021).

5. The learned counsel for the petitioner submits that the subject FIR arose out of a relationship dispute between the petitioner and the respondent no.3. He submits that the parties, that is, petitioner and respondent no.3 have amicably settled their *inter se* disputes and the respondent no.2 has given his affidavit-cum-no objection dated 08.08.2022. He further submits that the parties, that is the petitioner and the respondent no.3 have decided to start living together peacefully and happily. They have been blessed with two children.

6. The respondent no.2/father of the alleged victim/complainant is present in person in Court. The wife of the petitioner is also present in Court and has been duly identified by the Investigating Officer (IO). The respondent no.2 affirms that he has settled all the disputes with the petitioner of his own free will. The respondent no.2 submits that he has no objection if the present FIR is quashed.

7. I have perused the contents of the FIR and also the settlement between the parties.

8. As the disputes between the parties arose out of a relationship dispute, and now the same have been amicably settled, the parties that is, petitioner and the respondent no.3 are now living together peacefully and happily along with their children, and also looking into the nature of the allegations made in the complaint, in my opinion, no useful purpose would be served in keeping the FIR alive. In fact, it



would rather create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

9. Guided by the principles enunciated by the Supreme Court in its judgments in *Jitendra Raghuvanshi v. Babita Raghuvanshi*, (2013) 4 SCC 58, *Gian Singh v. State of Punjab*, (2012) 10 SCC 303; *Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Ors. v. State of Gujarat & Ors.* (2017) 9 SCC 641 and *State of Haryana & Ors. v. Bhajan Lal & Ors.* 1992 Supp (1) SCC 335, this Court deems it appropriate, in the interest of justice, to exercise its inherent powers under Section 482 of the Cr.P.C. to quash the FIR and all the proceedings emanating therefrom.

10. Accordingly, the petition is allowed. FIR No.0045/2021 registered at Police Station: Naraina, under Section 363 of the IPC (Sections 366A/376 of the IPC and Section 6 of POCSO added later), and all consequential proceedings emanating therefrom against the petitioner are quashed.

11. The pending application is also disposed of.

NAVIN CHAWLA, J

APRIL 8, 2024

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