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

+ **W.P.(CRL) 2312/2024**

MOHAMMAD GULREZ

.....Petitioner

Through: Mr. Manish Kumar Sharma,
Advocate.

versus

THE STATE GOVERNMENT OF NCT DELHI AND ORS.

.....Respondents

Through: Mr. Amol Sinha, ASC (CrI.) for the
State with Mr. Kshitiz Garg, Mr.
Ashvini Kumar and Ms. Chavi
Lazarus, Advocates with SI Vishwas,
PS Chandni Mahal.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

01.08.2024

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1. The Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the petitioner, seeking to quash the FIR No. 342/2015 for the offence under Sections 363/376 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) and under Section 6 of POCSO Act, registered at Police Station Chandni Mahal.
2. Issue notice.
3. Mr. Amol Sinha, learned Additional Standing Counsel appearing on advance notice, accepts notice on behalf of the State.
4. Brief facts are that on 26.12.2015, at around 7:00 a.m., the respondent



No. 3, namely, 'A' left for Sarvodaya kanya Vidyalaya No. 01, Jama Masjid, Delhi-110006. She was studying in Class IX at that time. She did not return from the School. Thereafter, the respondent No. 2, i.e. the father of victim girl, lodged a report of her missing stating that some unknown person has enticed his daughter.

5. It is further submitted that on 27.12.2015, on the complaint, an FIR bearing No. 342/2015 under Section 363 of the IPC and under Section 6 of POCSO Act, was registered at Police Station Chandni Mahal.

6. The present petitioner, namely, Md. Gulrez moved his anticipatory Bail Application. ASI has met with mother of victim girl in Tis Hazari Courts, where the mother produced School Certificate of her daughter. On 26.12.2015, the victim girl got married with the petitioner, Md. Gulrez and again in the presence of their parents on 16.02.2016. The petitioner produced one photocopy of *Nikahnama* dated 16.02.2016 and stated that they have got married with the consent of 'A's parents and are residing together since then.

7. On 27.03.2016, the petitioner/accused in FIR No.342/2015 was arrested. Thereafter, on 28.03.2016, bail was granted to him by the Court of learned ASJ.

8. On 29.09.2017, the petitioner and the respondent No. 3, blessed with male child. On 09.12.2019, they again blessed with female child and thereafter, on 23.03.2024, they blessed with female child and there is no dispute *inter se* the parties. The parties have married for last about eight years and three children and have been living in harmony and peace.

9. It is stated that the petitioner and the respondent Nos. 2 and 3 have amicably settled all the disputes and differences between them and arrived at



Settlement Deed dated 01.08.2024. The copy of the same is presented in the Court, which is taken on record.

10. In view of the Settlement Deed, the present petition has been filed.

11. The parties are present before this Court in-person today, and have been identified by their counsel and Investigating Officer concerned.

12. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 01.08.2024 and thus, no fruitful purpose will be served in continuing with the FIR as it would have an impact of disrupting the family, which is got settled.

13. The present petition has been signed by the petitioner and is supported by its respective affidavit. The parties have reaffirmed the terms of the settlement arrived at *vide* Settlement Deed dated 01.08.2024 and they also submit that the said Settlement Deed has been arrived at between the parties without any pressure and coercion.

14. Today, the respondents, who are present in Court, state that they have no objection if the FIR is quashed.

15. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

16. Moreover, there is no legal impediment in quashing the FIR in question.

17. Accordingly, FIR No. 342/2015 for the offence under Sections 363/376 of the IPC and under Section 6 of the POCSO Act, registered at



Police Station Chandni Mahal and all consequential proceedings emanating therefrom are quashed.

18. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 1, 2024/RS