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

+ **CRL.M.C. 8847/2023**

AVNESS RAGHAV AND ORS

.....Petitioners

Through: **Mr. Gaurav Sharma, Advocate.**

versus

STATE OF GOVT OF NCT OF DELHI AND ANRRespondents

Through: **Mr. Yudhvir Singh Chauhan, APP for
the State with SI Manoj Kumar, PS-
Mehrauli.**

**Mr. Kartik Kumar, Mr. Gaurav
Sharma and Mr. Aakash Gupta,
Advocates.**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

21.10.2024

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (currently under section Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023) has been filed by the petitioner praying for quashing of FIR bearing No. 107/2023 dated 16th February, 2023 registered at Police Station – Mandawali, East District, Delhi for the offences punishable under Sections 376/506/34 of the Indian Penal Code, 1860 (hereinafter as the "IPC") and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter as the "POCSO Act").

2. The petitioner is present before this Court and has been identified by his counsel Mr. Gaurav Sharma and Investigating Officer. The respondent No.2 is also present in the Court and has been identified by her counsel and



the Investigating Officer.

3. The brief facts of the case are that the petitioner no. 1 and respondent no. 2/prosecutrix were in love and working at the same company. However, the prosecutrix was a minor at the time of the alleged offence committed by the petitioner and accordingly, an FIR bearing no. 107/2023 dated 16th February, 2023 was registered against the petitioner. However, on attaining the age of majority, the prosecutrix and petitioner no. 1 consensually solemnised their marriage.

4. With the intervention of their respective family members and relatives, both the parties entered into a settlement on 28th November, 2023. The terms and conditions of the settlement are mentioned in the Settlement Deed, which is annexed to the instant petition at Page no. 79.

5. On the query made by this Court, the respondent no. 2 has categorically stated that she has attained the age of majority and is happily married to the petitioner. It is also stated by respondent no.2 that the entire dispute has been amicably settled between the parties. The parties also undertook that they shall abide the terms and conditions of the Settlement Deed arrived at between the parties.

6. It is prayed by the learned counsel appearing on behalf of the parties that the instant FIR may be quashed on the basis of the compromise as per the Judgment of the Hon'ble Supreme Court passed in ***Gian Singh vs. State of Punjab, (2012) 10 SCC 303*** and ***Parbathbhai Aahir @ Parbathbai vs. State of Gujarat, (2017) 9 SCC 641***.

7. *Per contra*, the learned APP for the State submitted that there is no objection to the prayer made on behalf of the petitioners seeking quashing of the FIR in question and subsequent proceedings emanating therefrom, in



view of the marriage between the prosecutrix and petitioner no. 1 and the Settlement Deed arrived at between the parties.

8. Heard learned counsel for the parties and perused the record.

9. The instant criminal proceedings in respect of non-compoundable offences are private in nature and do not have a serious impact on the society especially the victim and accused are happily married to each other. In the present case, the prosecutrix is present in Court and has categorically stated that she has entered into compromise and settled the entire disputes amicably with the petitioners herein by her own free will without any pressure or coercion. Additionally, she also stated that she is happily married to the petitioner no. 1 and the conduct and antecedents of petitioners have not been bad towards her after the compromise and marriage.

10. This Court has time and again quashed the FIR and criminal proceedings against the accused on the ground that the marriage has been solemnized between the victim and accused and are happily living together, especially in the case of *Bitu Yadav @ Vikas Yadav vs State (Nct Of Delhi) & Anr.*, petition bearing no. CRL.M.C. 1761/2020 dated 7th September, 2020.

11. Therefore, keeping in view of the fact that the petitioner no. 1 and respondent no. 2/prosecutrix are happily married to each and other and the settlement arrived at between the parties along with the law laid down by the Hon'ble Supreme Court, the present petition is allowed. Accordingly, FIR bearing No. 107/2023 dated 16th February, 2023 registered at Police Station – Mandawali, East District, Delhi for the offences punishable under Sections 376/506/34 of the IPC and all consequential proceedings emanating therefrom are quashed.



12. Accordingly, the petition along with pending application(s) stands disposed of.

CHANDRA DHARI SINGH, J

OCTOBER 21, 2024
NA/mk

Click here to check corrigendum, if any