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

+ W.P.(CRL) 3553/2023

OMPRAKASH

.....Petitioner

Through: Mr. Kuldeep Rai, Mr. Eshu Chaudhary & Mr. Ankur Singh, Advocates with petitioner in person.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Nandita Rao, ASC, Crl. with Mr. Amit Peswani, Advocate for State. Respondent No. 2 in person. W/S.I. Sangam Yadav, PS Mayur Vihar, Delhi.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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12.09.2024

1. The present Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Civil Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the petitioner seeking to quash the FIR No. 525/2023 registered under Section 376 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station Mayur Vihar Phase-I, Delhi.
2. Brief facts of the case are that the petitioner was in relationship with the respondent No. 2 and used to meet and chat regularly in person as well as over the phone.
3. On 30.10.2023, the respondent No. 2 out of her own will came to meet the petitioner at his residence. The petitioner has stated that the respondent No. 2 had established the physical relationship with him which was consensual and not by force.
4. It is submitted that the petitioner and the respondent No. 2 belong to



different faith due to which the parents of the respondent No. 2 was against their relationship.

5. On 30.10.2023, the father of the respondent No. 2 made a call to police station for reporting the offence of sexual abuse with her daughter by the petitioner and as a result, the FIR No. 525/2023 under Section 376 of IPC, 1860 at Police Station Mayur Vihar Phase-I, Delhi.

6. On 02.11.2023, the Statement under Section 164 of Cr.P.C., 1973 of the respondent No. 2 was recorded, wherein she stated that she had visited the house of the petitioner out of her own will and further stated that she did not want to go home as her family harass her.

7. On 09.11.2023, the learned Trial Court granted the bail to the petitioner by observing that at this stage, complainant who is also present in the Court submits that she went to the room of applicant/accused on her own and got registered the present case on pressure of family.

8. It is stated that the present factual matrix and situation, the respondent No. 2 has no grievance against the petitioner in respect of the present FIR.

9. It is further submitted that in view of the aforesaid facts and circumstances, the present FIR may be quashed.

10. **Submissions heard.**

11. Though initially, the respondent No. 2 had made a complaint alleged rape, but she in her Statement under Section 164 of Cr.P.C., 1973 dated 02.11.2023, where she has not stated anything about the alleged incident and has merely stated that she went to the room of the petitioner on her own and got registered the present case on pressure of family. Similar was the statement of the respondent No. 2 at the time of grant of bail to the petitioner by the learned Trial Court *vide* Order dated 09.11.2023.



12. Today, the petitioner and the respondent No. 2 are present in person in the Court, and they have been identified by their counsel and Investigating Officer concerned.

13. On a specific query put to the respondent No. 2, she has submitted that she has got married and is settled in her life and the disclosure made in her Statement under Section 164 of Cr.P.C., 1973 is correct and true fact and she has no objection if the present FIR is quashed.

14. The present petition has been signed by the petitioner and is supported by his affidavit. The respondent No. 2 has stated that her Statement under Section 164 of Cr.P.C., 1973 was made by her without any pressure and coercion.

15. Today, the complainant/respondent No. 2, who is present in person in the Court, states that she has no objection if the FIR is quashed.

16. In view of the above facts that no useful purpose will be served in continuing with the proceedings. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

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

18. Accordingly, FIR bearing No. 525/2023 registered at Police Station Mayur Vihar Phase-I, Delhi, for offence punishable under Section 376 of IPC, 1860 and all consequential proceedings emanating therefrom are quashed.

19. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 12, 2024

S.Sharma