



\$~64

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

+ **CRL.M.C. 6381/2024 & CRL.M.A. 24410/2024**

JAGMOHAN SINGH

.....Petitioner

Through: Mr. Sanjeev Kumar with Mr. Rahul
Bhogal and Mr. Shivam, Advocates.
Petitioner *via* video-conferencing.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Manoj Pant, APP for the State
with Mr. Sachin Rawat, Mr. Mohit
Kumar, Mr. Utkarsh Singh, Mr.
Shivam Kumar Singh and Mr.
Vaibhav, Advocates.
SI Ankit, P.S.: Tigri.
Mr. Ram Kamal Prasad with Ms.
Vandana, Advocates for R2 alongwith
R2 in court.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

%

16.08.2024

CRL.M.A. 24411/2024

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CRL. M.C. 6381/2024

By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioner seeks quashing of case FIR No. 0270/2024 dated 25.06.2024 registered under section 376 of the Indian Penal Code, 1860 ('IPC') at P.S.: Tigri, Delhi ('subject FIR').



2. Though the present petition has been filed under the provisions of the Cr.P.C., in the opinion of this court, on a plain reading of section 531(2)(a) of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), proceedings are to be "*disposed of, continued, held or made*" in accordance with the Cr.P.C. *only* in cases where ***such proceedings***, viz. "*any appeal, application, trial, inquiry or investigation*", were already ***pending*** immediately before the date on which the BNSS came into force, *i.e.* 01.07.2024. It appears therefore, that while inserting the repeal and savings provision in section 531 of the BNSS, the intention of Parliament was to not disrupt on-going proceedings by changing the governing law during the pendency of such proceedings.
3. Since the present petition has been *filed after* 01.07.2024, in the opinion of this court, the present petition ought to have been filed under the BNSS. Be that as it may, in order to obviate any unnecessary delay, the present petition is treated as one under section 528 of the BNSS.
4. The present petition is premised on Compromise Deed and Marriage Certificate, both dated 30.07.2024.
5. The petition is also supported by affidavits of the petitioner, as also of respondent No. 2.
6. The petitioner is stated to be presently undergoing training with the BSF in Jodhpur, Rajasthan; and has joined the proceedings *via* video-conferencing. Respondent No. 2 is present in court. They have been identified by their respective counsel.
7. Learned counsel appearing for the petitioner has explained the circumstances in which the subject FIR came to be filed. Counsel submits that the parties were to get married and a *roka* ceremony had



also been performed. Thereafter however, due to some misunderstanding between the families, the marriage got delayed and the allegations came to be made in the context of physical relations between the parties during that phase.

8. Counsel submits that the parties have since married each other, as evidenced by Marriage Certificate dated 30.07.2024 issued by the Arya Samaj Trust, Jodhpur, Rajasthan. A copy of the marriage certificate has been appended to the petition.
9. Both parties have confirmed the factum of marriage and state that they have resolved all their disputes amicably and respondent No.2 is now staying in her matrimonial home in Farrukhabad, Uttar Pradesh.
10. Mr. Manoj Pant, learned APP confirms that the State has no objection to the subject FIR being quashed.
11. In the circumstances, in line with the law laid down by the Supreme Court in ***Gian Singh vs. State of Punjab & Anr.*** reported as (2012) 10 SCC 303 as also in ***Narinder Singh & Ors. vs. State of Punjab & Anr.*** reported as (2014) 6 SCC 466, this court sees no reason why the subject FIR and all proceedings emanating therefrom should not be quashed. This court is of the view that in light of the settlement between the contesting parties, continuing with the subject FIR and all subsequent proceedings would be an exercise in futility and would not be conducive to peace and harmony between the parties.
12. Accordingly, FIR No. 0270/2024 dated 25.06.2024 registered under section 376 IPC at P.S.: Tigri, Delhi is quashed. All proceedings arising therefrom also stand closed.



13. Petition stands disposed-of.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 16, 2024
ds