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

+ **CRL.M.C. 6451/2024**

AMJAD ALI @ AMJAD CHAUDHARYPetitioner

Through: Mr. Faimuddin and Mr. Raj Kumar,
Advocates with petitioner in-person.

versus

STATE NCT OF DELHI AND ANRRespondents

Through: Mr. Utkarsh, APP for the State with
Insp. Monika and PSI Shikha, P.S.
Karawal Nagar.
R-2 in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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20.08.2024

CRL.M.A. 24661/2024 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

CRL.M.C. 6451/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner and complainant/respondent No. 2 seek quashing of case FIR No. 395/2016 dated 23.11.2016 registered under sections 323/376/506 of the Indian Penal Code, 1860 ('IPC') at P.S.: Karawal Nagar, Delhi ('subject FIR').

2. The petition is supported by affidavits of the petitioner, as also of respondent No. 2, alongwith proofs of their I.D.s.



3. The contesting parties are present in court. Their credentials have been verified and they have also been identified by their respective counsel.
4. The court has interacted with the petitioner, as well as with respondent No.2, who have confirmed that they have now resolved the matter. Parties now wish to live in peace and harmony going forward.
5. As per the record, respondent No.2 contracted *nikah* with the petitioner *vide Nikahnama* dated 05.12.2014; but thereafter proceeded to have the subject FIR registered on 23.11.2016. However, in her affidavit dated 24.07.2024 filed in support of the present petition, respondent No. 2 states that she has been residing with the petitioner as his legally wedded wife since 2019.
6. The court has queried respondent No.2 very closely.
7. She explains that since she had contracted *nikah* with the petitioner on 05.12.2014 without the consent or concurrence of her family, she was thereafter coerced into registering the FIR against her husband on 23.11.2026 under pressure from her family. She submits however, that all said, she has been residing with the petitioner since August 2019 as his wife, peacefully and without any grievance.
8. The Investigating Officer is present in court. The I.O. confirms that she has verified the authenticity of *Nikahnama* dated 05.12.2014 that has been placed on record. The court is also informed that the date of birth of respondent No.2 is 25.02.1995; and therefore, as on the date of her *nikah*, she was above 18 years of age.



9. Mr. Utkarsh, learned APP confirms, that in view of the circumstances obtaining in the case, the State has no objection to the subject FIR being quashed.
10. 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.
11. In the circumstances of the case, especially the fact that respondent No.2 has been residing with the petitioner as his wife since August 2019, and has so stated in her affidavit filed in support of the present petition, the court is persuaded to allow the present petition.
12. That being said however, this court is of the view that regardless of the reasons that may have impelled respondent No. 2 for filing the FIR against the petitioner and activating the law-enforcement mechanism, respondent No. 2 has certainly misused the State machinery for nearly 08 years. It also cannot be ignored, that if the matter was amicably resolved between the parties way-back in August 2019, they still did not consider it necessary to take steps to close the pending proceedings for at least 05 years thereafter.
13. However, considering the fact that respondent No. 2 has misused the State machinery since 2016, the quashing of the FIR is subject to



respondent No.2 paying costs of Rs.25,000/- to Friendicoes SECA, No.271 & 273, Defence Colony Flyover Market, Jungpura, New Delhi, within 02 weeks.

14. Subject to the aforesaid condition, FIR No.395/2016 dated 23.11.2016 registered under sections 323/376/506 of IPC at P.S.: Karawal Nagar, Delhi is quashed. All proceedings arising therefrom also stand closed.
15. Petitioner is directed to place on record the proof of payment of costs, within 01 week of making payment.
16. The Registry is directed to re-list the matter if costs are not paid as directed.
17. The petition stands disposed-of.
18. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 20, 2024/ak