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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6833/2024**

VIVEK KASHYAP

.....Petitioner

Through: Mr. Dinesh Singh Bachgoti and Ms.
Sonia Rajput, Advocates with
petitioner.

versus

STATE GOVT. OF NCT OF DELHI & ORS.Respondents

Through: Mr. Sanjeev Sabharwal, APP for the
State with SI Akash Kumar, PS
Bhajanpura.
Mr. Prem Chand Ganganiya,
Advocate for R2 & R3 along with R2
& R3.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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30.08.2024

CRL.M.A. 26122/2024 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 6833/2024

3. The Petition under Section 528 of Bhartiya Nagarik Suraksha Sanhita (*hereinafter referred to as 'B.N.S.S, 2023'*) has been filed on behalf of the petitioner seeking to quash the FIR No. 111/2023 for the offence under Sections 363/366/376(3) of the Indian Penal Code, 1860 (*hereinafter*



referred to as “IPC, 1860”) and Section 6 of POCSO Act, registered at Police Station Bhajanpura, Delhi and the proceedings emanating therefrom.

4. Issue notice.

5. Mr. Sanjeev Sabharwal, learned APP appearing on advance notice, accepts notice on behalf of the State.

6. Brief facts of the case are that the petitioner and the respondent No. 2 had known to each other and marriage was solemnized between petitioner No. 1 and respondent No. 2 on 16.12.2022, according to Hindu rites and ceremonies in a Arya Samaj Mandir, District Ghaziabad, Uttar Pradesh and subsequently, the same was got registered with the office of Registrar of marriage District Ghaziabad, Uttar Pradesh and one male child was born out of the said wedlock. After marriage, they both did not disclose this fact before the parents of the respondent No. 2/wife, while this fact was well within the knowledge of the parents and family members of the petitioner. Both the parties do not want to live separately and due to fear, they started living together as husband and wife from 14.02.2023.

7. It is further submitted that on 16.02.2023, on the complaint of the respondent No. 3, who is the mother of the prosecutrix, an FIR bearing No. 111/2023 for the offence under Section 363 of the IPC, 1860, got registered at Police Station Bhajanpura, Delhi. On 06.06.2023, the District Crime Unit Delhi, Delhi Police recovered the petitioner and the respondent No. 2 from a house at Noida, U.P and both were handed over to the SI Ashutosh, Police Station Bhajanpura, Delhi. Thereafter, the petitioner was produced before the learned Metropolitan Magistrate on 07.06.2023 and from there he was sent to Judicial Custody. On 08.06.2023, the statement of the prosecutrix was recorded under Section 164 CrPC by learned Metropolitan Magistrate



(Mahila Court)-02, North East District Karkardooma Court, Delhi. After completing the investigation, Charge-Sheet has been filed against the petitioner. It is submitted that the two bail applications filed by the petitioner before the trial court, were dismissed. On 25.04.2024, the petitioner got bail from the High Court as the respondent Nos. 2 and 3 gave their consent in granting the bail on the ground that respondent No. 2 is residing along with the petitioner and her minor child at her matrimonial house. It is further submitted that though in the affidavit filed by the mother at the time of the admission of the prosecutrix in the School, had given the date of birth as 2008 but in fact the date of birth is 2003. It is further submitted that the girl was 18 years at the time of her marriage. Respondent No. 3 also submits that the FIR got registered in some confusion regarding her daughter, who has got married with the petitioner and they are living happily and there are no stress or acrimony from the petitioner and the respondent No. 2.

8. It is stated that the petitioner No. 1 and the respondent Nos. 2 and 3 have amicably settled all the disputes and differences between them and arrived at Settlement Deed dated 22.08.2024.

9. In view of the Settlement Deed dated 22.08.2024, the present petition has been filed.

10. The parties are present before this Court in-person today, and have been identified by their counsel and Investigating Officer concerned. The parties have endorsed the amicable settlement and accepted the terms thereof voluntarily.

11. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Deed dated 22.08.2024 and thus, no fruitful purpose will be served in continuing with the FIR.



12. The present petition has been signed by the petitioner and is supported by his affidavit. The parties have reaffirmed the terms of the settlement arrived at *vide* Settlement Deed dated 22.08.2024 and they also submit that the said Settlement Deed dated 22.08.2024 has been arrived at between the parties without any pressure and coercion.

13. Today, the respondent No. 2 and 3, who are present in the Court, state that they have no objection if the FIR is quashed.

14. 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.

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

16. Accordingly, FIR No. 111/2023 for the offence under Sections 363/366/376(3) of the IPC and Section 6 of POCSO Act, registered at Police Station Bhajanpura, Delhi and all consequential proceedings emanating therefrom are quashed.

17. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 30, 2024/RS