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

+ CRL.M.C. 7053/2024

ASHU KASHYAP

.....Petitioner

Through: Mr. Pramod Yadav, Advocate with  
petitioner in court.

versus

THE STATE GOVT OF NCT OF DELHI & ANR. ....Respondents

Through: Mr. Utkarsh, APP for the State with  
SI Priya, P.S.: Shakarpur.  
Ms. Nikita Sharma (DHCLSC),  
Advocate with R2 in court

**CORAM:**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**

**18.09.2024**

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By way of the present petition filed under section 482 of the Code of Criminal Procedure 1973, the petitioner seeks quashing of case FIR No.0708/2023 dated 20.09.2023 registered under section 376 of the Indian Penal Code, 1860 ('IPC') at P.S.: Shakarpur, Delhi.

2. As recorded in last order dated 06.09.2024, the present petition has been treated as one filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Furthermore, pursuant to the last order, respondent No.2 has been assigned a legal-aid counsel by the Delhi High Court Legal Services Committee, who is present in court today along with respondent No.2.
3. Upon being queried, Ms. Nikita Sharma, learned counsel appearing for respondent No.2 submits, that as per the date of birth recorded in her Aadhaar Card, respondent No.2 was about 21 years old on the



date of the alleged incident. Ms. Sharma, on instruction, states that respondent No.2 is about to get married elsewhere and that therefore does not wish to pursue any further proceedings in the present case.

4. The court has also interacted with respondent No.2, who concurs with the submissions made by her counsel. Respondent No. 2 explains, that though to begin with, the petitioner had made physical relations with her on a promise of marriage, he subsequently recanted on that promise. Now however, even she does not wish to get married to him anymore, and is about to get married to someone else.
5. The petition is supported by affidavits of the petitioner and of respondent No. 2, alongwith proof of their IDs.
6. Mr. Utkarsh, learned APP confirms that the State has no objection to the subject FIR being quashed.
7. 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.
8. While allowing the petition however, this court considers it appropriate, that by way of atonement, the petitioner shall pay costs of Rs.15,000/- to Friendicoes SECA, No.271 & 273, Defence Colony Flyover Market, Jungpura, New Delhi, within 04 weeks.
9. Petitioner is directed to place on record the proof of payment of costs within 01 week thereafter.



10. Subject to the aforesaid condition, case FIR No. 0708/2023 dated 20.09.2023 registered under section 376 IPC at P.S.: Shakarpur, Delhi is quashed. All proceedings arising therefrom also stand closed.
11. The Registry is directed to re-list the matter if costs are not paid as directed above.
12. The petition stands disposed-of.
13. Pending applications, if any, also stand disposed-of.

**ANUP JAIRAM BHAMBHANI, J**

**SEPTEMBER 18, 2024**

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