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

+ **W.P.(CRL) 215/2024**

**SANSAR SINGH**

.....Petitioner

Through: Mr. Ankit Rana, Mr. Tushar  
Rohmetra, Advs.

versus

**THE STATE (GOVT. OF NCT OF DELHI) AND ANOTHER**

.....Respondent

Through: Mr. Yasir Rauf Ansari, ASC, Mr.  
Alok Sharma, Mr. Vasu Agarwal,  
Advs.

Mr. Anil Kumar, Adv. for R-2.  
SI Prashant, PS Kanjhawala

**CORAM:**

**HON'BLE MR. JUSTICE JASMEET SINGH**

**ORDER**

**27.11.2024**

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1. This is a writ petition seeking quashing of FIR No. 38/2021 dated 21.01.2021 under section 376/448/506 IPC PS Kanjhawala, Delhi.
2. As per the FIR, the complainant stated that the petitioner established physical relationship with her on the pretext of marriage.
3. During the pendency of the proceedings, the parties have arrived at a settlement on 13.12.2023, wherein respondent No. 2 has stated that the parties were in a live in relationship and it is only on account of some misunderstanding that the FIR was filed. At this juncture, the parties have settled their dispute and respondent No. 2 has agreed to cooperate in quashing of the FIR.
4. The petitioner is present in Court and identified by Mr. Ankit Rana, Advocate and respondent No. 2 is also present, identified by Mr. Anil Kumar, Advocate and SI Prashant.



5. Both the parties state that they have entered into the aforesaid settlement out of their own free will, volition and without any threat, force, undue influence or coercion.
6. Mr. Sharma, learned counsel states that the allegations are under section 376 of IPC and objects to the consent quashing.
7. The Hon'ble Apex Court in *Kapil Gupta v. State (NCT of Delhi)*, 2022 SCC OnLine SC 1030 has observed as under:

*“11. No doubt that the learned ASG is right in relying on various judgments of this Court which reiterate the legal position that in heinous and serious offences like murder or rape, the Court should not quash the proceedings. ....*

*12. It can thus be seen that this Court has clearly held that though the Court should be slow in quashing the proceedings wherein heinous and serious offences are involved, the High Court is not foreclosed from examining as to whether there exists material for incorporation of such an offence or as to whether there is sufficient evidence which if proved would lead to proving the charge for the offence charged with. The Court has also to take into consideration as to whether the settlement between the parties is going to result into harmony between them which may improve their mutual relationship.*

*13. The Court has further held that it is also relevant to consider as to what is stage of the proceedings. It has been observed that if an application is made at a belated stage wherein the evidence has been led and the matter is at the stage of arguments or judgment, the Court should be slow to exercise the power to quash the proceedings. However, if such an application is made at an initial stage before commencement of trial, the said factor will weigh with the court in exercising its power.*

*14. The facts and circumstances as stated hereinabove are*



*peculiar in the present case. Respondent No. 2 is a young lady of 23 years. She feels that going through trial in one case, where she is a complainant and in the other case, wherein she is the accused would rob the prime of her youth. She feels that if she is made to face the trial rather than getting any relief, she would be faced with agony of undergoing the trial.*

*15. In both the cases, though the charge sheets have been filed, the charges are yet to be framed and as such, the trial has not yet commenced. It is further to be noted that since the respondent No. 2 herself is not supporting the prosecution case, even if the criminal trial is permitted to go ahead, it will end in nothing else than an acquittal. If the request of the parties is denied, it will be amounting to only adding one more criminal case to the already overburdened criminal courts.*

*16. In that view of the matter, we find that though in a heinous or serious crime like rape, the Court should not normally exercise the powers of quashing the proceedings, in the peculiar facts and circumstances of the present case and in order to give succour to Respondent No. 2 so that she is saved from further agony of facing two criminal trials, one as a victim and one as an accused, we find that this is a fit case wherein the extraordinary powers of this Court be exercised to quash the criminal proceedings.”*

8. In view of the above, though the Court must be circumspect while quashing FIR under Section 376 of IPC even when a compromise has been reached, but at the same time the court cannot overlook that both parties at the time of alleged relationship as well as while registration of FIR were consenting adults and chose to enter into a live-in relationship on their own free accord. As per the respondent no. 2's own statement, the FIR u/s 376 is a result of difference between the parties and the complainant has now settled the dispute with the petitioner.



9. Since the parties have arrived at a settlement and no disputes are pending, I am convinced that quashing of such proceedings on account of compromise would bring about peace and would secure the ends of justice. This court does not see any fruitful purpose if criminal proceedings are permitted to be prosecuted any further. It is a fit case for quashing. In this view of the matter, there is no reason to continue the proceedings.

10. In view of the above, the petition is allowed and FIR No. 38/2021 dated 21.01.2021 under section 376/448/506 IPC PS Kanjhawala, Delhi and consequential proceedings emanating therefrom are quashed.

**JASMEET SINGH, J**

**NOVEMBER 27, 2024/NG**