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

+ **CRL.M.C. 7455/2024**

DEEPU ALIAS DEEPAK

.....Petitioner

Through: Mr. Ravi Mehta, Ms. Smrati
Chaturvedi and Mr. Dheeraj Sharma,
Advocates.

versus

THE STATE NCT OF DELHI THROUGH SHO & ANR.

.....Respondents

Through: Ms. Shubhi Gupta, APP for the State
with SI Nisha, P.S.: Vasant Vihar.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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20.09.2024

CRL.M.A. 28460/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed-of.

CRL.M.C. 7455/2024

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks quashing of case FIR No.135/2021 dated 27.05.2021 registered under section 363 of the Indian Penal Code, 1860 ('IPC') at P.S.: Vasant Vihar, New Delhi. Consequent upon completion of investigation, the offences under sections 366/376 of the IPC and section 6 of the Protection of Children from Sexual Offences Act, 2012 have also been added *vide* charge-sheet dated 19.06.2022.

2. The petition is supported by affidavits of the petitioner and of respondent No.2, alongwith proof 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 respondent No.2, who states that though on the date of the alleged incident she was a minor, her relationship with the petitioner was entirely consensual and the subject FIR was registered by her mother without reference to her. She submits that since her family was not agreeable to the alliance between her and respondent No. 2, the two of them subsequently started living separately from the family; and that she has borne twin girls with respondent No. 2, of whom one has survived and is presently with her. She submits that she is living happily with the petitioner and her girl child; and does not wish to pursue the subject FIR.
5. Ms. Shubhi Gupta, learned APP confirms that the State has no objection to the subject FIR being quashed.
6. 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.



7. Accordingly, FIR No.135/2021 dated 27.05.2021 registered under section 363 of the IPC at P.S.: Vasant Vihar, New Delhi is quashed. All proceedings arising therefrom also stand closed.
8. Petition stands disposed-of.
9. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

SEPTEMBER 20, 2024/ak