



\$~126

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

+ W.P.(CRL) 3763/2024

SHRI MAHESH KUMAR

.....Petitioner

Through: Mr. Madan Kumar & Mr. Nitin
Bansal, Advocates with petitioner in
person

versus

STATE OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Rahul Tyagi, ASC for State with
SI Sapna Yadav, PS Aman Vihar
Mr. Udit Khanna, Advocate for R-2
with R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

%

02.12.2024

1. The instant petition under Article 226/227 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") [earlier Section 482 of the Code of Criminal Procedure, 1973] has been filed by the petitioner praying for quashing of FIR bearing No.0624/2024, registered at Police Station- Aman Vihar, Delhi, for the offences punishable under Sections 376/506 of the Indian Penal Code, 1860 (hereinafter "IPC").
2. Issue notice.
3. Notice is accepted by learned Additional Standing Counsel for the State/respondent No.1 as well as respondent no.2 present in Court alongwith her counsel.



4. The brief facts of the case are that the instant FIR was filed by the complainant/respondent no. 2 against the petitioner as the petitioner allegedly established physical relationship with the respondent no.2 on the premise that the petitioner will marry respondent no.2 at a later point, which he allegedly refused later.

5. The petitioner is present before this Court and has been identified by his counsel Mr. Madan Kumar and Investigating Officer ("IO" hereinafter) SI Sapna Yadav, Police Station – Aman Vihar, New Delhi. The respondent No.2 is also present before this Court and has been identified by her counsel as well as by IO.

6. It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner and respondent no.2 got married to each other on 23rd October, 2024.

7. On the query made by this Court, respondent No.2 has categorically stated that she has resolved her all disputes with the petitioners amicably her own free will and without any pressure. It is also stated by respondent No.2 that she is residing with petitioner No.1 happily and they are living peaceful life and she has no objection if the aforesaid FIR is quashed.

8. It is prayed by the learned counsel for the petitioner that the instant FIR be quashed on the basis of settlement arrived at between the parties pursuant to which they are living a happily married life now.

9. Learned counsel appearing on behalf of the respondent no. 2 expressed unwillingness to prosecute the petitioner in the present case as the entire dispute between the petitioner and respondent no.2 has already been settled. It is further submitted that since the respondent no.2 is now married, and for her future, she does not wish to pursue the criminal case arising out



of the aforesaid FIR and has no objection on quashing of the aforesaid FIR.

10. Mr. Rahall Tyagi, learned ASC for the State submitted that there is no opposition to the prayer made by the petitioner seeking quashing of the aforesaid FIR in view of the settlement arrived at between the parties and the marriage between the petitioners.

11. Heard learned counsel for the parties and perused the record. The respondent no. 2 has categorically stated that she got married to the petitioner and now she is living happily with him and has also settled all the disputes amicably.

12. In the case of **B.S. Joshi & Ors. vs. State of Haryana & Ors, (2003) 4 SCC 675**, the Hon'ble Supreme Court has held that if for purpose of securing the ends of justice, quashing of FIR becomes necessary, Section 320 Cr.P.C. would not be a bar to the exercise of the power of quashing under Section 482 Cr.P.C.

13. Moreover, the Hon'ble Supreme Court in **Jitendra Raghuvanshi & Ors. vs. Babita Raghuvanshi & Anr., (2013) 4 SCC 58**, has held that criminal proceedings on FIR or complaint can be quashed under Section 482 Cr.P.C. in appropriate cases in order to meet ends of justice.

14. In the instant case, as stated above, the parties have reached a compromise and amicably settled the entire dispute without any pressure or coercion. In view of the aforesaid facts and circumstances and submissions made by respondent no. 2 before this Court and keeping in view the fact that petitioner and respondent no.2 are happily married, the present petition is allowed. Accordingly, FIR bearing No.0624/2024, registered at Police Station - Aman Vihar, Delhi, for the offences punishable under Sections 376/506 of the IPC and all consequential proceedings emanating therefrom



are quashed.

15. The petition alongwith pending applications, if any, stand disposed of.

CHANDRA DHARI SINGH, J

DECEMBER 2, 2024

Rt/st

[Click here to check corrigendum, if any](#)