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

+ CRL.M.C. 9980/2024

RASHID

.....Petitioner

Through: Mr Mohd. Asif and Mr Sushant Pal, Advs.

versus

STATE OF NCT OF DELHI THROUGH

SHO PS MOTI NAGAR DELHI & ANR.

.....Respondents

Through: Mr Sunil Kumar Gautam, APP for State.

SI Loveleen, PS-Moti Nagar

Ms Bhumi Agarwal, Adv. for R-2.

R-2 in person.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **19.12.2024**

CRL.M.A. 38232/2024

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

CRL.M.C. 9980/2024 & CRL.M.A. 38231/2024

3. This is a petition seeking quashing of FIR No. 560/2022 dated 10.11.2022, under Sections 328/376(2)(n)/506 IPC, registered at Police Station : Moti Nagar, West District, New Delhi.
4. As per the FIR it is alleged that the petitioner repeatedly and against the wishes of the complainant established physical relationship with the complainant. Hence, the FIR was lodged and thereafter charge-sheet has also been filed. The statement of the complainant has also been recorded under Section 164 Cr.P.C wherein she has supported the case in the FIR. The evidence of the complainant has also been recorded wherein she has supported the prosecution.
5. Petitioner is present in Court and has been identified by his counsel,



Mr Sushant Pal.

6. Respondent No. 2 is also present in Court and has been identified by her counsel Ms Bhumi Agarwal as well as by the Investigating Officer SI Loveleen, PS-Moti Nagar.

7. Mr Gautam, learned APP relies on the judgment passed by this Court in CRL.M.C. 3153/2019 titled '*Shiv Kumar Kushwaha & Anr. v. State*' wherein this Court has taken a view that 376 cases even post settlement the Court should not quash FIRs as a matter of routine.

8. I have heard learned counsel for the parties as well as learned APP.

9. In the present case even though the allegations are serious what weighs with me is the fact that the petitioner and the complainant were in a relationship. Thereafter petitioner and respondent No.2 are still living together.

10. The respondent No.2 states that the FIR was lodged due to some misunderstanding and on account of a dispute between her and petitioner. She further states that she does not wish to prosecute the FIR any further and wants to put a quietus to the entire matter. The respondent No.2 also regrets her action and undertakes to never repeat the same in future.

11. 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. It is stated by respondent No.2 that she has no objection if the FIR is quashed.

12. In offences under Section 376 of IPC, the Court must be circumspect while quashing the FIR as these are offences against society, even when a compromise has been reached. But at the same time, the Court cannot overlook that both the parties i.e. respondent No. 2/prosecutrix and



petitioner are living together happily. In the present case, the respondent No. 2 has herself made the statement that she wants to put a quietus to the matter without any undue influence, threat, pressure or coercion and out of her own free will. Further, there is no criminal intent involved in the act and it is not a case where there was a forceful physical relationship with the respondent No. 2 on the date of incident and the FIR was only on account of some misunderstanding.

13. The judgment of *Shiv Kumar Kushwaha & Anr. (supra)* is distinguishable as in the present case the parties have settled and are living happily together. Further respondent No.2/Prosecutrix wishes to restore cordial relations between the parties.

14. 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 ends of justice. This should not be treated as a legal precedent and in this case, the proceedings are quashed as the respondent has decided to put a quietus to the matter. The 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.

15. In this view of the matter, FIR No. 560/2022 dated 10.11.2022, under Sections 328/376(2)(n)/506 IPC, registered at Police Station : Moti Nagar, West District, New Delhi and consequential proceedings, if any, emanating therefrom, if any, are hereby quashed.

16. The petition is disposed of accordingly.

JASMEET SINGH, J

DECEMBER 19, 2024/sr

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