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

+ **W.P.(CRL) 1486/2024**

ABDUL BASET KAKAR

.....Petitioner

Through: Mr. M.L. Yadav, Mr. Harish Chand,
Mr. Deepak Ahlawat, Mr. Anant
Chittoria, Advs. along with Petitioner

versus

THE STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Yasir Rauf Ansari, ASC (CRL)
with Mr. Alok Sharma and Mr. Amit
Sahni, Advs.
SI Manisha Meena PS Maidan Garhi
R-2 in person

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

31.01.2025

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1. The present petition has been filed under Article 226/227 of the Constitution of India read with Section 482 of the Criminal Procedure Code, 1973 (Cr.P.C.) on behalf of the Petitioner and the Respondent No.2 seeking quashing of FIR No.180/2024 dated 16.03.2024 registered at Police Station (PS) Maidan Garhi under Section 376 of the Indian Penal Code, 1860 (IPC).
2. The Petitioner is present in Court and he is identified by the learned counsel for the Petitioner and the Investigating Officer ('IO').
3. Respondent No. 2 is also present in Court and is identified by the IO. Respondent No.2 is represented by the learned counsel for the Petitioner and



he as well identifies her.

4. Learned counsel for the Petitioner states that the subject FIR was registered on the allegation of the Respondent No. 2, that Petitioner had made a false promise of marriage.

4.1 He states however, the parties have been married on 29.03.2024 and have since been residing with each other. He states that it's been over 10 months that they have been living together.

4.2 He states that the Respondent No.2 has filed an affidavit dated 30.04.2024 giving her no objection to the quashing of the FIR No. 180/2024.

4.3 He states that in these facts the Petitioner and the Respondent No.2 jointly pray for quashing of the FIR No. 180/2024.

4.4 He states that he is relying upon the recent judgment of the Supreme Court in **Ajeet Singh v. State of Uttar Pradesh & Ors**¹. and more specifically at paragraph 2 and 13 therein. Paras 2 and 13 read as under:

“2. In the complaint, on the basis of which the FIR was registered, the allegation of the third respondent was that his daughter (victim — name masked) was studying in Lucknow for coaching in Banking. Her age was 25 years. He stated that the appellant was running IIT coaching classes in Delhi. They met and developed a love for each other. The appellant assured the victim to marry her. When the third respondent approached the appellant's father and brother with the proposal of marriage, they declined the same.

...

13. Therefore, on the face of it, the allegation that the physical relationship was maintained due to false promise given by the appellant to marry, is without basis as their relationship led to the solemnisation of marriage. Therefore, this is a case where the allegations made in the FIR were such that on the basis of the

¹ (2024) 2 SCC 422.



statements, no prudent person can ever reach a conclusion that there is sufficient ground for proceeding against the appellant. Therefore, clause (5) of the decision of this Court in *State of Haryana v. Bhajan Lal* [State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335: 1992 SCC (Cri) 426] will apply. Hence, a case was made out for quashing the FIR.”

(Emphasis supplied)

5. Learned ASC states that though ordinarily State opposes the quashing of FIR which has been registered under Section 376 IPC. He states however, in this case since it is a matter of fact that prosecutrix i.e., Respondent No.2 has married the Petitioner and the FIR was also based on the allegation of false promise of marriage the State is not opposing the quashing of the captioned FIR in the peculiar facts of this case.

6. This Court has heard the learned counsel for the parties and perused the record.

7. This Court has interacted with Respondent No. 2 and she states that she has married the Petitioner. She states that she is residing with the Petitioner and co-existing peacefully. She does not want to pursue the captioned FIR and proceedings emanating therefrom and confirms having executed the affidavit dated 30.04.2024 recording her no objection to the present quashing petition.

8. The Supreme Court in the case of **Jatin Agarwal v. State of Telangana**² while quashing an FIR registered under Section 417/420/376 of the IPC observed as under:

“5. Considering the aforesaid facts and keeping in view that the respondent no. 2/complainant has herself made a statement

² 2022 SCC OnLine SC 1969.



before us that she has married the appellant and now living happily, we exercise our powers under Article 142 of the Constitution of India and **to do complete justice in the matter, we quash the FIR dated 16.08.2020** lodged by the respondent no. 2 against the appellant under Sections 417, 420 and 376 IPC.”

(Emphasis supplied)

9. Further a coordinate bench of this Court in **Amit Plathia v. GNCTD and Anr.**³ summarized the principle underlying quashing of FIR relating to offences which are serious and heinous in nature and observed as under:

“9. What emerges from the discussion undertaken above is that while as a matter of practice, serious and heinous offences ought not to be quashed by exercise of powers under Section 482 Cr. P.C., as it can have detrimental impact upon society, however, at the same time, the Court is not completely divested of the power to quash such proceedings. In appropriate cases, upon a consideration of the facts including the evidence available, the chances of conviction, the timing of the settlement/marriage as well as its actual effect, the Court can exercise its power under Section 482 to quash such proceedings, in the interest of justice and to put a quietus to the entire incident. However, at the sake of repetition, it is clarified that there is no blanket rule that such quashing should or should not take place. While quashing of serious and heinous offence like rape solely based upon settlement/marriage may not always be warranted, it can be done in cases where the peculiar facts warrant the same.”

(Emphasis supplied)

10. Keeping in view the fact that Petitioner and Respondent No.2 have since married and the fact that they have amicably settled the dispute and considering the chances of conviction of the Petitioner being remote and

³ 2024 SCC OnLine Del 9158.



bleak, this Court is, therefore, of the view that there is no use continuing with proceedings of the present FIR as it would be misuse of the process of the Court and an unnecessary burden on the State exchequer. Further this Court is also of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

11. In view of the above, FIR No.180/2024 dated 16.03.2024 registered at Police Station (PS) Maidan Garhi under Section 376 of IPC. and proceedings emanating therefrom are quashed.

12. Parties are bound down by the statements made before this Court today.

13. Pending application is disposed of as infructuous.

14. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

JANUARY 31, 2025/hp/sk

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