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

+ **W.P.(CRL) 1814/2024**

GURDEEP SINGH

.....Petitioner

Through: **Mr. Chinmaya Sejwal, Adv. along
with Petitioner**

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: **Mr. Rahul Tyagi, ASC for State with
SI Swati PS Saket
R-2 in person**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

11.02.2025

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1. This petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed by the Petitioner seeking quashing of FIR No. 212/2022 dated 04.06.2022 registered at P.S. Saket, Delhi for offences under Sections 376/506 of the Indian Penal Code, 1860 ('IPC') and proceedings emanating therefrom.

2. In the present case, the subject FIR was registered on basis of the complaint filed by Respondent No. 2/complainant. Respondent No. 2 in her complaint had alleged that the Petitioner established sexual relations with Respondent No. 2 on pretext of false marriage. It is stated that the Petitioner and Respondent No. 2 met through a matrimonial site in November 2021 and shortly thereafter, the Petitioner made a promise to Respondent No. 2 that they would marry. It is stated that the Petitioner lured Respondent No. 2



to share her private photographs and send money to the Petitioner. However, subsequently the Petitioner refused to marry and therefore, Respondent No. 2 lodged the subject FIR against the Petitioner.

3. Learned ASC states that the charge-sheet has been filed before the Trial Court on 01.08.2022, charges have been framed and the matter is at the stage of recording of prosecutrix's evidence. He states that Respondent No. 2's statement under Section 164 Cr.P.C. has been recorded and she has supported her case in the complaint.

4. Learned counsel for the Petitioner states that the Petitioner and Respondent No. 2 have amicably settled their disputes. He states that Respondent No. 2 has since got married to a third person on 20.04.2024 and is now peacefully settled in her matrimonial life. He states that in pursuance of the settlement, both the parties have agreed not to continue with proceedings arising out of the subject FIR. He states that Respondent No. 2 has also given her no objection to this effect by way of an affidavit dated 28.05.2024, which is enclosed with this Petition as Annexure C. He states that parties have always had an amicable relationship and even after the filing of the present case, Respondent no. 2 and the Petitioner remained in contact with each other.

5. The Respondent No. 2 is physically present in Court and has been identified by the Investigating Officer (I.O.). This Court has interacted with Respondent no. 2. She confirms that the parties have amicably settled their disputes. She states that affidavit dated 28.05.2024 enclosed with this petition has been executed by her without any pressure and threat. She submits that she has no objection to the quashing of the subject FIR and proceedings emanating therefrom. She states that since she is now married



she does not wish to pursue this complaint and has amicably resolve her disputes.

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

7. It is pertinent to note that subject FIR has been registered for an offence under Section 376 of IPC, which is a non-compoundable offence. In these facts, where the disputes between the parties arises out of a consensual relationship and a breach of promise to marry, it would be apposite to refer to the judgment of the Supreme Court in the Supreme Court in **Kapil Gupta v. State (NCT of Delhi) and Another**¹, wherein the Apex Court quashed the FIR registered under Section 376 IPC on basis of amicable settlement between the parties. The Apex Court noted as under: -

“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 the 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

¹ (2022) 15 SCC 44



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 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 Respondent 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 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.”

(Emphasis Supplied)

8. A coordinate bench of this Court under similar circumstances in its order dated 31.05.2024 passed in CRL. M.C. 4708/2024 titled **Shakun Kumar and Others v. The State (NCT of Delhi) Through SHO Concerned and Another**, had quashed an FIR under Section 376 of IPC, since the parties therein had amicably settled their disputes. In that case, the statement of the prosecutrix had already been recorded during trial. The learned Single Judge while granting the relief of quashing observed as under: -



“2. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, ‘Cr.P.C.’) seeking quashing of FIR No. 486/2022 registered at Police Station: Najafgarh, Delhi under Sections 376/506/509/34 of the Indian Penal Code, 1860 (in short, ‘IPC’), along with all other proceedings arising therefrom, on the basis of a settlement.

...

5. The learned counsel for the petitioners and the respondent no.2 submit that petitioner no.1 and the respondent no.2 were in a relationship which unfortunately could not fructify into a marriage, due to which the above FIR was filed.

6. The learned counsel for the petitioners submits that the parties have amicably settled all their inter se disputes and have executed a Memorandum of Settlement dated 16.04.2024.”

...

13. Keeping in view the fact that the disputes between the parties arose out of misunderstanding, and the fact that respondent no.2 does not wish to pursue her complaint any further, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR as it would create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

...

15. Accordingly, the petition is allowed. FIR No. 486/2022 registered at Police Station: Nazafgarh, Delhi under Sections 376/506/509/34 of IPC and all consequential proceedings emanating therefrom against the petitioners are quashed.”

(Emphasis Supplied)

9. It is an admitted fact that the dispute between the parties herein has been amicably settled by the parties and that the complainant/Respondent No. 2 does not wish to pursue any proceedings arising out of the subject FIR. The Respondent No. 2 has also stated that she has married to a third-person and is peacefully enjoying her matrimonial life. In view of the aforesaid facts, it is evident that the settlement between the parties would result in harmony between the parties. It is



pertinent to note that even if the trial proceeds, there is a bleak possibility of conviction of the Petitioner, as the Respondent No. 2 is not willing to continue the criminal proceedings.

10. Considering the aforementioned observations and the law settled by the Supreme Court in **Kapil Gupta v. State (NCT of Delhi)** (supra) and by this Court in **Shakun Kumar** (supra) this Court is of the opinion that the present matter is a fit case wherein such power could be exercised by this Court to quash the subject FIR.

11. In view of the aforesaid, FIR No. 212/2022 dated 04.06.2022 registered at P.S. Saket, Delhi for offences under Sections 376/506 IPC and proceeding emanating therefrom against the Petitioner are quashed.

12. Accordingly, this petition is allowed. Pending applications, if any, stands disposed of.

13. The IO is directed to place a copy of this order before the Trial Court.

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

FEBRUARY 11, 2025/hp/MG

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