



\$~38

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

+ **CRL.M.C. 8000/2023**

HIMANSHU

.....Petitioner

Through: Mr.Durgesh Kumar Pandey,
Ms.Ritika Davis Franklin, Mr.Kartik
Dhingra, Advs. Along with petitioner
in person.

versus

STATE AND ANR

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP with
W/SI Radhika, PS –Uttam Nagar.
Ms.Sonica Ghosh, Mr.Anurag
Sareena, Mr.Yatish Pachauri, Advs.
for R-2.
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

31.07.2025

%

1. The petitioner herein seeks quashing of FIR No. 42/2023 dated 18.01.2023, registered at P.S. Uttam Nagar, under Section 376 IPC, on the basis of a compromise arrived at between the parties.
2. Per the FIR, respondent no. 2/complainant met the petitioner/accused in December 2016, and on the pretext of marriage, the petitioner developed a relationship with her and repeatedly exploited her sexually over four years, often manipulating or forcing her without consent. Despite her repeated requests to formalize the relationship, the petitioner's parents disapproved, and he continued to harass her for



money while unemployed. In 2020, after respondent no. 2 moved with her family to Assam, the petitioner stalked and blackmailed her with private pictures, compelling her to return to Delhi, where he again forced intercourse and reiterated his promise to marry. In February 2021, she became pregnant, but the petitioner denied responsibility, refused financial support, and pressured her to abort the child. He was absent at the birth in September 2021 and later disowned both respondent no. 2 and the child.

3. During the pendency of the proceedings, it transpires that the respondent no.2 herself conceded candidly that the relationship between the accused and her was purely consensual. However, due to some misunderstanding and in the heat of the moment, respondent no.2 levelled allegations of the offence under Section 376 IPC against the petitioner. Concurrently, she feels remorseful and regrets that matters reached such a stage that she had to invoke the provisions relating to the heinous offence under Section 376 IPC.
4. I have interacted with respondent no. 2, who is present in person, and she submits that she does not wish to press charges against the petitioner, particularly in light of her decision to move on after getting married and her desire to live peacefully by putting the past behind her. It appears that she has settled the dispute out of her own free will, without any duress or coercion.
5. However, it transpires that from the consensual relationship between the parties, which lasted for about seven years, a male child was born, who is currently in the custody of respondent no.2. In fact, along with respondent no.2, her husband is also present in Court, and upon a query



by this Court, he candidly states that he has no objection to the child remaining in the custody of respondent no.2, as he proposes to adopt him as his son in due course.

6. Be that as it may, since the paternity of the child is not in dispute, it is made clear that the petitioner/accused, who is the biological father of the child, shall not, in any manner, claim custody rights over his son from respondent no. 2 on account of the quashing of the instant petition
7. In the totality of circumstances, I am of the view that continuing the criminal proceedings would amount to a waste of judicial time and an abuse of the process of law, as there are no chances of conviction. Moreover, such continuation would rekindle hostility between the parties, which appears to have been subdued following their peaceful settlement.
8. In the premises, the proceedings deserve to be quashed in the exercise of the inherent powers of this Court. Reference in this regard may also be made to the judgment in ***Gian Singh v. State of Punjab & Anr.*** [(2012) 10 SCC 303].
9. In view of the above, the aforesaid FIR No.42/2023, registered at P.S. Uttam Nagar, under Section 376 IPC, along with all consequential proceedings, is hereby quashed, subject to the petitioner depositing a sum of Rs. 75,000/- as costs with the Delhi High Court Legal Services Authority.

ARUN MONGA, J

JULY 31, 2025/RN