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

+ **W.P.(CRL) 2464/2024 & CRL.M.A. 24004/2024**

KALIKANT JHA

.....Petitioner

Through: Mr. Lokesh Nath Jha, Ms. Aditi, Mr.
Kamaldeep, Mr. Davinder Pal,
Advocates

versus

STATE (N CT OF DELHI) & ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with SI Roveine H, PS
Shakarpur.
Mr. Kashish and Mr. Hunny, Mr.
Rohit Manchanda, Advs. with R-2 in
person.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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14.02.2025

1. The present petition has been filed seeking the following prayers: -

“It is therefore most respectfully prayed before this Hon’ble Court that the petition article 226 of the constitution and application U/s 482 CrPC may kindly be allowed thereby quash the FIR NO. 0201/2024, U/s 376 OF IPC registered with PS; - SHAKARPUR, New Delhi along with all other consequential proceedings arising thereto, in the interest of justice.”

2. The Petitioner is present in Court and is duly identified by its counsel.

3. Respondent no. 2 is present in Court and is represented by the counsel. She is identified by the said counsel and the Investigating officer (‘I.O.’) as well.

4. Learned counsel for Respondent no. 2 states that the Petitioner and



Respondent no. 2 had met each other in June, 2023 and had developed mutual affection for each other and fell in love with each other.

5. It is stated that during the courtship period parties had also consensual physical relationship.

6. It is stated that however since Respondent no. 2 learnt that Petitioner is going to marry another girl as per his parent's choice and the marriage is scheduled on 28.04.2024, therefore, Respondent no. 2 filed the subject FIR which led to the arrest of the Petitioner.

7. He states that Petitioner was granted bail on 27.05.2024 passed by the ASJ (FSTC), Karkardooma Court Delhi and thereafter, Respondent no. 2 approached the Petitioner and his family members and they all decided that Petitioner and Respondent no. 2 should marry each other.

8. He states that on 07.06.2024 both the Respondent No. 2 and Petitioner got married at the Arya samaj Mandir and this year on 02.02.2025 they had a social function wherein friends and relatives of both the families have attended the function.

9. This Court has interacted with Respondent no. 2 and she states that she has been residing with the Petitioner since 07.06.2024 and is well settled in her matrimonial relationship and has a cordial relationship as well with each other. She further stated that the disputes between the parties stands settled and she is giving her no-objection to quash the subject FIR without any coercion. She states that the only grievance she had with the Petitioner that he was going to marry another girl after having promised marriage to the Respondent no.2.

10. Learned standing counsel appearing for the State submits on instructions that I.O. has visited the Respondent no. 2 after her date of



marriage i.e., 07.06.2024 on few occasions and Respondent no. 2 seems to be leading a happy matrimonial life with the Petitioner.

11. In the facts of this case, it would also be relevant to refer to the judgment passed by Supreme Court in **Ajeet Singh v. State of Uttar Pradesh & Ors**¹ wherein the Supreme Court in similar circumstances quashed the FIR. The relevant paragraph no. 2 and 13 reads 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 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.”

12. Similarly, the Supreme Court in 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 before us that she has married the appellant and now living happily, we exercise

¹ (2024) 2 SCC 422.

² 2022 SCC OnLine SC 1969.



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)

13. Applying the above law and keeping in view the nature of the dispute in the subject FIR; the fact that the parties have since married and thus the facts which form the basis of the allegations in the complaint do not survive. In this case, the marriage was solemnized almost immediately after the registration of the FIR. It appears from the record that the Petitioner has voluntarily married Respondent No. 2 and they are residing together. The quashing of the FIR will indeed result in harmony in the matrimonial relationship. Therefore, this Court is of the view that there is no use continuing with proceedings of the present FIR as it would be wastage of the precious judicial time 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.

3. In view of the above, the FIR No. 0201/2024 dated 25.04.2024 registered at Police Station Nand Nagri for offences under Section 376 of the Indian Penal Code, 1860 and proceedings emanating therefrom are quashed.

4. Parties shall abide by the terms of settlement.

5. Pending application is disposed of as infructuous.

6. 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 14, 2025/mt/ms

Click here to check corrigendum, if any