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

+ **CRL.M.C. 9913/2024**

IMRAN AHMED

.....Petitioner

Through: Mr. Mujeeb Khan and Mr. Zaftar
Ahmad, Advocates with petitioner in
person.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Aman Usman, APP for the State.
Respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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17.01.2025

CRL. M.A. 37960/2024 (exemption)

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

CRL.M.C. 9913/2024

3. The present petition has been filed under section 528 BNSS, 2023 seeking quashing of FIR No. 257/2023 under Section 376 IPC registered at Police Station Daryagnaj, Delhi and all the proceedings emanating therefrom, on the ground that the parties have arrived at a settlement and they have decided to marry each other.
4. The brief facts of the case are that marriage was though fixed between the petitioner and respondent no. 2, however, at the final stage, it was called off by the petitioner, which led to registration of the FIR by respondent no.2



alleging that the petitioner established physical relationship with her on the pretext that he is going to marry her.

5. During the pendency of the proceedings, the parties have resolved their differences and arrived at a settlement, terms whereof have been captured in the form of Settlement Deed dated 05.09.2024, which is annexed as Annexure P-4 to the present petition.

6. It is recorded in the settlement that the petitioner has expressed his deep regret for suddenly backing out from the planned marriage that was scheduled on 08.05.2023 and has reiterated his keen desire to marry respondent no. 2.

7. The petitioner, who is present in person, on a query posed by the Court states that he is likely to marry respondent no. 2 sometime in the month of April, 2025 as per mutual convenient date to be decided by the families of the parties.

8. Respondent no. 2, who is present in Court, on a query posed by the Court, affirms the factum of settlement and states that she has no objection in case the present FIR is quashed as the petitioner is now willing to marry her. She, therefore, states that the present FIR may be quashed.

9. In this regard, reference may advantageously be made to a decision dated 07.09.2020 rendered by a Coordinate Bench of this Court in CrI.M.C. 1761/2020 titled as **Bitu Yadav @ Vikas Yadav v. State (NCT of Delhi) & Anr**, wherein, it was observed as under:-

*“15. Although, as per the directions of the Hon’ble Supreme Court in **Parbat Bhai Aahir and Ors. vs. State of Gujrat & Ors.:** (AIR 2017 SC 4843), the FIR should not be quashed in case of rape as it is an heinous offence, but when the respondent No.2/complainant/prosecutrix herself takes the initiative and*



makes affidavits before this Court, stating that she made the complaint due to some misunderstanding and now wants to give quietus to the misunderstanding which arose between the petitioner and respondent no.2, in my considered opinion, in such cases, there will be no purpose in continuing with the trial. Ultimately, if such direction is issued, the result will be of acquittal in favour of the accused, but substantial public time shall be wasted.

16. *This Court is conscious about the dictum of the Supreme Court in terms of seriousness of the case, however, keeping in view the relationship between the petitioner and the respondent No.2 since 2013, it seems that no rape was committed by the petitioner upon respondent no. 2 in the present case and the FIR was registered on the basis of false allegations arising out of misunderstandings.*

17. *In view of the submissions made by the respondent No.2 before this Court, the respondent No.2 is liable to be prosecuted. However, keeping in view the fact that the petitioner and respondent No.2 are married and living happy married life, I hereby refrain from taking any legal action against the respondent No.2. A similar view was taken by this court in the case of **Danish Ali v. State and Anr.** in Crl. M.C. 1727/2019.*

18. *Taking into account the aforesaid facts and the fact that the petitioner and respondent No.2 are in love affair since 2013 and they are married, this Court is inclined to quash FIR as no useful purpose would be served in prosecuting petitioner any further.”*

10. Reference may also be had to the decision of the Hon’ble Supreme Court in ‘**Kapil Gupta v. NCT of Delhi**¹’ wherein it was held 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

¹ (2022) SCC OnLine SC 1030



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 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)



11. Coming back to the facts of the present case, the petitioner and respondent no. 2 were engaged before the registration of FIR are now going to marry, therefore, it does not seem to be case where the petitioner had no intention to marry. Having regard to these peculiar facts and circumstances, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between the parties. The complainant is otherwise, not supporting the case of the prosecution and if the criminal trial is permitted to go ahead, the chances of conviction are bleak. Therefore, continuation of criminal proceedings will be an exercise in futility. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

12. Consequently, the petition is allowed and the FIR No. 0180/2024 under Sections 376/313 IPC registered at P.S. Paharganj alongwith all other proceedings emanating therefrom, is quashed.

13. The petition stands disposed of in the above terms.

VIKAS MAHAJAN, J

JANUARY 17, 2025

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