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

+ **CRL.M.C. 100/2025**

AVINASH PANDEY

.....Petitioner

Through: Mr. Anish Roy and Mr. Dileep
Rajpurohit, Advocates with
petitioner in person

versus

**STATE OF NCT OF DELHI THROUGH SHO
& ANR.**

.....Respondents

Through: Mr. Satish Kumar, APP for the
State with SI Khushboo and S.I
Mishi, PS.: Greater Kailash
Ms. Tusha Chawla, Advocate for R-
2 with R-2 in person

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

24.03.2025

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12. The petitioner *vide* the present petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) erstwhile Section 482 Code of Criminal Procedure, 1973 (Cr. P.C.), seeks quashing of FIR bearing no.527/2024 dated 03.12.2024 registered under *Section 376* of Indian Penal Code, 1860 at PS.: Greater Kailash, Delhi and all proceedings emanating therefrom.

13. The present petition is also supported by affidavits of the petitioner and of respondent no.2, alongwith proofs of their respective I.Ds.

14. Additionally, the petitioner and respondent no.2, present in Court, have been identified by the Investigating Officer. Moreover, the



credentials of both, petitioner as also respondent no.2, as on record, have also been duly verified by the Investigating Officer.

15. Issue notice.

16. Mr. Satish Kumar, learned APP for the State accepts notice and submits that the present matter involves a heinous crime and as such he opposes quashing of the aforesaid FIR.

17. Learned counsel for the respondent no.2 also accepts notice. Respondent no.2, present in Court, submits that she has voluntarily, without any pressure and/ or coercion of any kind out of her own free will settled all disputes with the petitioner without any monetary or any other consideration as also since she does not wish to pursue the criminal proceedings against the petitioner, she has no objection to the quashing of the present FIR. The respondent no.2 has also filed an affidavit in support of quashing of the aforesaid FIR. Thus, she confirms that all the disputes *inter se* the parties stand amicably settled.

18. Further, the respondent no.2, before the learned Joint Registrar on 14.01.2025, has voluntarily given her statement to quash FIR bearing no.527/2024 dated 03.12.2024 registered under *Section 376* of IPC, which reads as under:

“... ..I am the Respondent no. 2 in the present petition. The present petition has been drafted and filed on my instructions. I lodged FIR No. 527/2024, Under Section 376 IPG at PS Greater Kailash, Delhi against the petitioner. Now, I have entered into an oral compromise with the petitioner with the intervention of friends and family members and I have voluntarily and amicably resolved all my issues and disputes with the petitioner. I voluntarily without any pressure and coercion from anyone do not wish to pursue FIR no. 527/2024 under Section 376 IPG registered at PS Greater Kailash in which the charge-sheet is still not filed. I have no objections whatsoever if the present FIR and all proceedings emanating there from against the petitioner are quashed. I



have entered into oral compromise with the petitioner without any monetary or any other consideration.

I undertake to cooperate in quashing of the FIR. This is my true statement being made voluntarily in the present of my counsel. I fully understand the consequences of making this statement. This statement has been signed by me in the presence of my counsel after the same has been read over to me in Hindi and I understand it.”

19. Upon consideration of the existing peculiar facts and the overall events unfolding in their entirety, even though this Court is mindful that the present FIR has been registered under *Sections 376* of Indian Penal Code, 1860, this Court is inclined to quash the present FIR in exercise of its inherent powers under Section 528 of BNSS, 2023, particularly when the same is in the interest of justice and will also be in the interest of the parties and betterment of their future. Further, in view of the oral settlement arrived at between the parties, statement given by the respondent no.2 before the learned Joint Registrar and, as the respondent no.2 does not wish to continue with the present criminal proceedings, in order to bring a quietus to the present dispute and following the law as laid down by the Hon’ble Supreme Court in ***Gian Singh vs. State of Punjab & Anr.*** (2012) 10 SCC 303 and ***Narinder Singh & Ors. vs. State of Punjab & Anr.*** (2014) 6 SCC 466, this Court is of the opinion that continuation of the aforesaid FIR will be an exercise in futility.

20. Accordingly, the present petition is allowed and FIR bearing no.527/2024 dated 03.12.2024, registered under *Section 376* Indian Penal Code, 1860 at PS.: Greater Kailash, Delhi and all proceedings emanating therefrom are quashed, subject to the petitioner providing two complete sets of computers in a functioning conditions to Police Station Greater Kailash, Delhi within a period of two weeks.



21. Needless to say, this Court appreciates the gesture of benevolence shown by the petitioner.
22. Compliance report of the aforesaid direction be filed by the petitioner before this Court within a period of one week thereafter.
23. The Registry is directed to list the matter before this Court, if compliance report is not filed within the prescribed period for compliance as aforesaid.
24. In view of the aforesaid, the present petition stands disposed of.
25. Needless to say, the instant matter shall not be treated as precedent, as the same has been passed keeping in view the peculiar facts and circumstances of the present case.

SAURABH BANERJEE, J

MARCH 24, 2025/akr