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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: 27th January, 2026**

+ **CRL.M.C. 445/2026**

AKASH KUMAR

.....Petitioner

Through: **Mr. Raj Kumar and Mr. Ocean Chaudhary, Advocates with petitioner in person.**

versus

THE STATE NCT OF DELHI AND ANR

.....Respondent

Through: **Mr. Satiwinder Singh Bawa, APP for the State with SI N.K. Patil, PS Kalyanpuri.**

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CRL.M.A. 1774/2026

Exemption allowed subject to all just exceptions.

CRL.M.C. 445/2026

1. The present petition seeks quashing of FIR No.405/2020 dated 11.10.2020, registered at P.S. Kalyanpuri, Delhi for commission of offences under Sections 376(2)(n)/506 IPC, along with all consequential proceedings emanating therefrom, on the basis of compromise arrived at between the parties.

2. The abovesaid FIR was registered at the behest of respondent No.2, who made allegations against the petitioner for making physical relation with her on false pretext of marriage.

3. Fact, however, remains that during the investigational stage itself, when the statement of the prosecutrix was got recorded under Section 164 Cr.P.C., she, in no uncertain words, revealed on oath that the case had been



lodged on the basis of some misunderstanding and she never imagined that it would be converted into a rape case. She also revealed that she was getting married with the accused and therefore, did not want her complaint to be pursued any further.

4. On the basis of her such statement made under Section 164 Cr.P.C., prosecution filed a closure report.

5. However, when such closure report was laid before the learned Magisterial Court, the Court declined to accept the same and chose to proceed further with the matter, merely on the basis of her earlier statement.

6. Respondent No.2 is present in Court today. Investigating Officer is also present and duly identifies her.

7. On query, respondent No.2 reiterates the statement which she had made before the learned Magisterial Court under Section 164 Cr.P.C. and submits that the case got registered on account of some misunderstanding. Her affidavit also discloses that she got married to the accused on 12.10.2020 as per Hindu rites and customs, and they have, even been, blessed with a baby. The date of birth of such baby child is 21.09.2023.

8. It is submitted that the case has still not been committed to the Court of Sessions and is listed today before learned Magisterial Court for due compliance of Section 207 Cr.P.C.

9. Undoubtedly, the allegations, which respondent No.2 had come up earlier, are of grave nature. However, these cannot be read in isolation and the due preference and weightage needs to be given to the statement of respondent No.2 made before learned Magistrate, which is, even otherwise, on oath.

10. In her such statement, respondent No.2, has, categorically, claimed that



the case was registered on the basis of some misunderstanding and she never wanted case of rape to be fastened upon the accused.

11. Both the parties have already got married and the Birth Certificate of their child is also attached along with present quashing petition.

12. In view of the settlement arrived at between the parties, continuing with criminal proceedings would serve no useful purpose. In any case, even the complainant does not wish to press any charges against the petitioners. According to her, it was never a case of rape and got so registered on account of misunderstanding and mistaken advice.

13. Accordingly, exercising inherent powers vested in this Court under Section 528 of the BNSS, it is deemed appropriate to quash the instant FIR.

14. Consequently, to secure the ends of justice, FIR No.405/2020 dated 11.10.2020, registered at P.S. Kalyanpuri, Delhi for commission of offences under Sections 376(2)(n)/506 IPC, along with all consequential proceedings emanating therefrom, is hereby, quashed.

15. The petition stands disposed of in aforesaid terms.

16. Pending application also stands disposed of.

(MANOJ JAIN)
JUDGE

JANUARY 27, 2026
st/sa