

Ananda D.V vs State on 12 April, 2021

Bench: A.M. Khanwilkar, Dinesh Maheshwari

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. 394-395 OF 2021
(Arising out of SLP(Crl.)Nos. 3175-76 of 2021)
(Diary No. 11723 of 2020)

ANANDA D.V

Appellan

VERSUS

STATE & ANR.

Responde

O R D E R

Delay condoned.

Leave granted.

These appeals take exception to the judgment and order dated 14.11.2019 and 30.01.2020 passed by the High Court of Delhi at New Delhi in Writ Petition Criminal Nos. 2382 of 2019 and 287 of 2020 respectively, whereby the High Court rejected the criminal writ petitions for quashing of FIR No. 455 of 2013 dated 17.09.2013 in respect of offence registered at P.S. Safdarjung Enclave, Delhi and the consequential proceedings emanating therefrom.

The gravamen of the allegations in the FIR filed by the private respondent was that the appellant had promised her that he will marry her, which promise was not kept by the appellant. The FIR was registered on 17.09.2013.

It is not in dispute that after the registration of FIR, the parties were able to resolve their differences and eventually got married on 11.10.2014. The appellant as well as private respondent represented by Ms. Meenakshi Arora, learned senior counsel jointly state that they are enjoying happy married life.

A joint request is, therefore, made on behalf of the appellant and the private respondent that the FIR registered on 17.09.2013 be quashed as it was the outcome of some misunderstanding between the parties.

Considering the nature of allegations in the FIR and the realization of the fact that due to miscommunication FIR came to be registered at the relevant point of time which issues/misunderstanding have now been fully resolved and the parties are happily married since 11.10.2014, the basis of FIR does not survive. Rather registering such FIR was an ill-advised move on the part of the private respondent, is the stand now taken before us. It is seen that the appellant and private respondent are literate and well-informed persons and have jointly opted for quashing of the stated FIR.

Taking overall view of the matter, therefore, in the interest of justice, we accede to the joint request of quashing of FIR in the peculiar facts of the present case.

Hence, these appeals must succeed. The impugned judgment and order is set aside. Instead, the Writ Petition filed by the appellant for quashing is allowed, as a result of which, all steps taken on the basis of impugned FIR be treated as effaced from the record in law.

The appeals are disposed of in the above terms. Pending applications, if any, stand disposed of.

.....J (A.M. KHANWILKAR)J (DINESH MAHESHWARI) New Delhi April 12, 2021 ITEM NO.30 Court 5 (Video Conferencing) SECTION II-C S U P R E M E C O U R T O F I N D I A RECORD OF PROCEEDINGS SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 11723/2020 (Arising out of impugned final judgment and order dated 14-11-2019 in WPCRL No. 2382/2019 30-01-2020 in WPCRL No. 287/2020 passed by the High Court Of Delhi At New Delhi) ANANDA D.V Petitioner(s) VERSUS STATE & ANR. Respondent(s) (IA No. 57856/2020 - CONDONATION OF DELAY IN FILING IA No. 35195/2021 - EARLY HEARING APPLICATION IA No. 57857/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 57858/2020 - EXEMPTION FROM FILING O.T. IA No. 57859/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES) Date : 12-04-2021 These matters were called on for hearing today. CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR HON'BLE MR. JUSTICE DINESH MAHESHWARI For Petitioner(s) Mr. Siddhartha Dave, Sr. Adv. Mr. Nishaank Mattoo, Adv. Mr. Abhishek Bharti, Adv. Mr. Balaji Srinivasan, AOR For Respondent(s) Ms. Meenakshi Arora, Sr. Adv. Mr. Ankur Yadav, AOR Mr. Vivek Tandon, Adv.

Mr. Chirag M. Shroff, AOR Ms. Abhilasha Bharti, Adv. Mr. Sushant Dogra, Adv.

UPON hearing the counsel the Court made the following O R D E R Delay condoned.

Leave granted.

The appeals are disposed of in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]