

# Mohd. Sufiyan & Ors vs State (Nct Of Delhi) & Anr on 11 May, 2022

**Author: Jasmeet Singh**

**Bench: Jasmeet Singh**

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IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(CRL) 2568/2021

MOHD. SUFIYAN & ORS.

Through: Ms. Shikha Yadav, Mr. M  
Sahry, Advs. ...

versus

STATE (NCT OF DELHI) & ANR.

Through: Mr. Rajesh Mahajan, ASC  
Ranjeeb Kamal Bora, Ms.  
Babbar, Advs, SI Vijay  
Sadar Bazar ...

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% 11.05.2022

1. This is a petition seeking quashing of FIR No. 602/2021 dated 26.09.2021 u/s 323/342/376/498A/34 IPC registered at P.S. Sadar Bazar and to quash all process and criminal proceedings emanating from the FIR against the accused persons. In the FIR, the allegations u/s 376 are only against petitioner No. 1. The allegations against the other petitioners are u/s 323/342/498A read with Section 34.

2. The petitioners are present except petitioner No. 3, who are identified by Ms. Shikha Yadav, Advocate. Respondent No. 2 is also present, who is identified by SI Vijay Pawar from P.S. Sadar Bazar.

3. It is submitted that the petitioners have arrived at an MoU dated 17.12.2021, wherein respondent No. 2 has made a settlement u/s 164 that due to matrimonial disputes, she has filed FIR No. 602/2021 in anger and out of vengeance without paying due attention as to the consequences of the FIR on the petitioners. Respondent No. 2 has further given a written statement to I.O. on 30.10.2021 and at the office of DCP, North District, Civil Lines on 02.11.2021 to withdraw her complaint and request for no action to be taken against the petitioners.

4. It is unfortunate when the daughter-in-law resorts to such allegations in the FIR and without considering the consequences upon the entire family.

5. As regards the allegations of Section 376 are concerned, Mr. Mahajan, learned ASC for State, has drawn my attention to the observations made in „State of Madhya Pradesh Vs. Madan Lal (2015)7 SCC 681 wherein Supreme Court has directed that High Courts must act with restrain in quashing FIRs in heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity. The Supreme Court has observed that any kind of liberal approach would be in a compartment of spectacular error or would be in the realm of sanctuary of error. In cases of rape or attempt to rape, the conception of compromise under no circumstances can really be thought of. These are crimes against the body of the women which is her own temple. These are offences which suffocate the breath of life and sully the reputation.

6. Assuming the statement of respondent to be true i.e. that she has made these allegations out of vengeance and in a fit of anger, the respondent should have been responsible and thought of the consequences before making such allegations.

7. However, the offences u/s 323/342/498A and 34 against petitioner Nos. 2 to 6 can be quashed on the basis of settlement as respondent No. 2 has made a settlement u/s 164, before the I.O on 30.10.2021 and at the office of DCP, North District, Civil Lines on 02.11.2021. Respondent No. 2 is also present in Court and says that she regrets her action of filing the FIR.

8. Mr. Mahajan informs that the charge sheet has been filed, wherein charge u/s 376 is only against petitioner No. 1.

9. For the reasons stated above, FIR No. 602/2021 u/s 323/342/376/498A/34IPC registered at P.S. Sadar Bazar is quashed against petitioner Nos. 2 to 6 only.

10. Respondent No. 2 is cautioned for her irresponsible actions.

11. It is clarified that the trial u/s 376 shall be continued against petitioner No. 1.

JASMEET SINGH, J MAY 11, 2022/dm Click here to check corrigendum, if any