

Tatton Perme vs The State (Nct Of Delhi) & Anr on 22 November, 2021

Author: Anu Malhotra

Bench: Anu Malhotra

\$~13

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.M.C. 2171/2021
TATTON PERME

..... Petitioner

Through: Ms. Svetlana Khiyungdzuzu, Advocate
versus

THE STATE (NCT OF DELHI) & ANR.

..... Respondent

Through: Mr. Mukesh Kumar, APP for State
With SI Neelam

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER

% 22.11.2021 The petitioner vide the present petition under Section 482 of the Cr.P.C., 1973, seeks the quashing of the FIR No. 263/2021 Police Station Timarpur registered under Sections 376/312/313/417 of the Indian Penal Code, 1860, submitting to the effect that the petitioner is a doctor by profession and senior resident from LHMC, Delhi, and after that employed in a government hospital and the respondent No.2 is pursuing her Ph.D. Research, and also working as an Assistant Professor at BM College of Technology & Management, Farrukh Nagar, Gurgaon. It has been submitted through the petition that the petitioner in 2015 was preparing for entrance exam when he met the respondent No.2 through a common friend and that both the petitioner and the respondent No.2 belong to the same community i.e. Indigenous ADI Tribe of Arunachal Pradesh. That the petitioner and the respondent No.2 have since married and their marriage was also blessed by the family of either side.

As per the averments made in the petition, the FIR was originally lodged as a Zero FIR reference WPSC No.00 of 2021 under Sections 376/312/313/417 of the Indian Penal Code, 1860 on the date 18.6.2021 on Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:23.11.2021 17:51:01 This file is digitally signed by PS to HMJ ANU MALHOTRA.

the basis of a written complaint submitted by the respondent No.2 against the petitioner since the petitioner could not meet the respondent no.2 after the month of March 2021 as the petitioner was busy in attending interviews for seeking the government job during that period but the same was not understood properly by the respondent no.2 and a misunderstanding led to the lodging of the FIR against the petitioner.

The petitioner is indicated to have applied for the grant of anticipatory bail after the registration of the FIR. It has been submitted on behalf of the applicant and not refuted on behalf of the State that

the applicant had since been granted interim bail on 1.10.2021 by the Sessions Court.

The Investigating Officer of the case has identified the petitioner, who has joined the proceedings through video conferencing, as being the accused arrayed in relation to the FIR No. 263/2021 Police Station Timarpur registered under Sections 376/312/313/417 of the Indian Penal Code, 1860, and the respondent No.2, who earlier joined the proceedings through video conferencing and now present in Court, as being the complainant of the FIR in question.

The respondent No.2 in her deposition on oath in replies to specific Court queries affirmed having entered into a Memorandum of Understanding dated 31.8.2021 with the petitioner and states that she has signed the Memorandum of Understanding voluntarily of her own accord without any duress, pressure or coercion from any quarter. The respondent No.2 further states that she has since been married to the petitioner on 7.9.2021. She further states that she wants to live peacefully and happily with the petitioner and thus she does not want to pursue her FIR any further nor does she want the petitioner to be punished in relation thereto and she Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:23.11.2021 17:51:01 This file is digitally signed by PS to HMJ ANU MALHOTRA.

does not oppose the prayer made by the petitioner seeking the quashing of the FIR in question.

Inter alia, the respondent No.2 states that she is pursuing her Ph.D. in English (Literature) and also works as an Assistant Professor (English, Lit.) at BM College of Technology & Management, Farrukh Nagar, Gurgaon. She further states that she has understood the implications of making her statement and states that the FIR was lodged pursuant to a misunderstanding between her and the petitioner.

Though the allegations in the instant case relate to offences punishable under Sections 376/312/313/417 of the Indian Penal Code, 1860, however, it cannot be overlooked that the allegations against the petitioner levelled by the respondent No.2 are wholly personal in nature and the respondent No.2 has categorically affirmed having married the petitioner on 7.9.2021.

The State vide order dated 15.9.2021 was directed to conduct a verification in relation to Annexure P-4 (Colly) placed on record in relation to the marriage certificate between the petitioner and the respondent No.2 and the registration of the said marriage documents. The verification report has been submitted by the State dated 23.9.2021 under signatures of the SHO Police Station Timarpur which verifies the factum of the marriage between the petitioner and the respondent No.2 and also verifies the factum of registration of the said marriage and the identity proofs of both the petitioner and the respondent No.2 are also indicated to have been verified by the Investigating Agency.

In the circumstances, there appears no reason to disbelieve the statement of the respondent No.2 that she has arrived at a settlement with the Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:23.11.2021 17:51:01 This file is digitally signed by PS to HMJ ANU MALHOTRA.

petitioner voluntarily of her own accord without any duress, pressure or coercion from any quarter and that she has since married the petitioner and that now there are no problems between her and the petitioner after 7.9.2021 and taking into account also the statement of the respondent No.2 in corroboration of the averments made in the petition that the petitioner and the respondent No.2 have since been in a relationship since 2015 and married now on 7.9.2021 and the respondent No.2 being apparently well educated pursuing her Ph.D in English (Literature) and working as an Assistant Professor (English, Lit.) at BM College of Technology and Management, in view of the statement made by the respondent No.2, i.e., the complainant of the FIR there being no reason to disbelieve that the respondent No.2 has made her statement voluntarily of her own accord without any duress, pressure or coercion from any quarter after understanding its implications and taking into account the non-opposition also on behalf of the State, for maintenance of peace and harmony between the petitioner and the respondent No.2 who have since married on 7.9.2021 after being in relationship since 2015, it is considered appropriate to put a quietus to the litigation between them, the FIR No. 263/2021 Police Station Timarpur registered under Sections 376/312/313/417 of the Indian Penal Code, 1860, and all proceedings emanating therefrom against the petitioner are thus quashed.

The petition is disposed of accordingly.

ANU MALHOTRA, J NOVEMBER 22, 2021/sv Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:23.11.2021 17:51:01 This file is digitally signed by PS to HMJ ANU MALHOTRA.

IN THE HIGH COURT OF DELHI NEW DELHI TATTON PERME V. THE STATE (NCT OF DELHI) & ANR.

CW-1 SI NEELAM POLICE STATION TIMARPUR ON S.A. I am the Investigating Officer of the case FIR No. 263/21, Police Station Timarpur registered under Sections 376/312/313/417 of the Indian Penal Code, 1860. I identify the petitioner, present through video conferencing, arrayed as accused in FIR No.263/21 Police Station Timarpur registered under Sections 376/312/313/417 of the Indian Penal Code, 1860. I identify the respondent No.2, present in the Court today, as being the complainant thereof.

ANU MALHOTRA, J.

RO &AC 22.11.2021 Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:23.11.2021 17:51:01 This file is digitally signed by PS to HMJ ANU MALHOTRA.

IN THE HIGH COURT OF DELHI NEW DELHI TATTON PERME V. THE STATE (NCT OF DELHI) & ANR. CW-2 MRS.YEMSHREE TAYENG D/O MR.SONAM TAYENG R/O H.No.1290, SECOND FLOOR, GALI No.38, DDA FLATS, MADANGIR, NEW DELHI PERMANENT R/O VILLAGE GAMGU, MEKU MODEL, ROING LOWER DIBANG VALLEY, ARNACHAL PRADESH ON S.A. The Memorandum of Understanding dated 31.8.2021 bears my signatures thereon which I have signed voluntarily of my own accord without any duress, pressure or coercion from any quarter. The petitioner and I have been in a relationship since 2015. The FIR was registered due to

some misunderstanding between me and the petitioner. I have since married the petitioner on 7.9.2021 and there are now no problems between me and the petitioner after 7.9.2021. I want to live happily with the petitioner. I do not oppose the prayer made by the petitioner seeking the quashing of the FIR No. 263/21, Police Station Timarpur registered under Sections 376/312/313/417 of the Indian Penal Code, 1860 nor do I want him to be punished in relation thereto. I am pursuing PH.D. in English (Literature) and also working as Assistant Professor (English Literature) at BM College of Technology and Management, Farrukh Nagar, Gurugram. I have understood the implications of the statement made by me. I have so stated voluntarily of my own accord without any duress, pressure or coercion from any quarter.

ANU MALHOTRA, J.

RO & AC 22.11.2021 Signature Not Verified Digitally Signed By: SUMIT GHAI Signing Date: 23.11.2021 17:51:01 This file is digitally signed by PS to HMJ ANU MALHOTRA.