

Mithun Kori vs State (Nct Of Delhi) & Ors on 5 August, 2024

Author: Neena Bansal Krishna

Bench: Neena Bansal Krishna

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IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(CRL) 1952/2023, CRL.M.A. 8502/2024

MITHUN KORI

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STATE (NCT OF DELHI) & ORS.

Through: Mr. Sanjay Lao, S
(Crl.) with Mr.
Advocate for the
Ritu, P.S. Nangl
Mr. Akshay Arora
and Mr. Shivam B
for R2 & R3 with

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA
OR

% 05.08.2024

1. The Writ Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure (hereinafter referred to as 'Cr.PC, 1973') has been filed on behalf of the petitioner seeking quashing the FIR No. 193/2023 dated 20.02.2023 under Section 363/376 of the Indian Penal Code (hereinafter referred to as IPC, 1860') and Section 6 of POCSO Act, registered at Police Station Nangloi.

2. Issue notice.

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3. Mr. Sanjay Lao, learned Standing Counsel (Criminal) appearing on behalf of the State, accepts

notice.

4. Briefly stated that the petitioner and respondent No. 3/victim, had got married in February, 2023 and have an eight years old child.

5. On the complaint of respondent No. 2, on 20.02.2023, a kidnapping case bearing FIR No. 193/2023 under Section 363 of the IPC, has been registered at Police Station Nangloi.

6. The petitioner was arrested on 02.06.2023 under Section 376 IPC and Section 6 of POCSO Act, by the respondent No. 1, for more than one month, who had preferred a Regular Bail Application before the learned District and Sessions Judge, West District, Tis Hazari Courts, Delhi-54. Thereafter, the petitioner was granted bail vide Order dated 04.07.2023, passed by the learned ASJ, West District, Tis Hazari Courts, Delhi-54. Statement of respondent No. 3, under Section 164 of CrPC, was recorded wherein she categorically and unequivocally submitted that she left her residence on her own free will and no allegation about sexual assault were confirmed by the victim.

7. It has been submitted that the matter has been amicably settled between the respondent No.2/complainant and the petitioner. The Settlement Deed dated 11.07.2023 is already on record. As per the terms of the Settlement, the petitioner has promised to take care of his wife (respondent No. 3) with utmost humility and shall not abandon her to any sort of cruelty.

8. It is submitted that the petitioner and the respondent No. 3 were living happily and harmoniously in Rohtak, Haryana. There are no complaints since then.

9. A request for quashing of the FIR has been made on account of the This is a digitally signed order.

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10. The parties are present in the Court in person and have been identified by their counsel and Investigating Officer concerned. The parties have endorsed the amicable settlement and accepted the terms thereof voluntarily.

11. Today, the complainant, who is present in Court states that she has no objection, if the FIR is quashed.

12. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any coercion. Hence, it would be in the interest of justice, to quash the abovementioned FIR and the proceedings pursuant thereto. Moreover, there is no legal impediment in quashing the FIR in question.

13. Accordingly, FIR No.193/2023 dated 20.02.2023 under Section 363/376 of the IPC and Section 6 of POCSO Act, registered at Police Station Nangloi and all consequential proceedings emanating therefrom, are quashed.

14. The Petition stands disposed of along with the pending application.

NEENA BANSAL KRISHNA, J AUGUST 5, 2024/RS This is a digitally signed order.

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