

(2020) 12 DEL CK 0103
In the Delhi High Court
Case No : Bail Application No. 3997 Of 2020

Ravinder Kumar

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 14-12-2020

Acts Referred:

Indian Penal Code, 1860 — Section 376, 506
Code Of Criminal Procedure, 1973 — Section 482

Citation : (2020) 12 DEL CK 0103

Hon'ble Judges : Suresh Kumar Kait, J

Bench : Single Bench

Advocate : Siddhartha Singh, Amit Chadha

Final Decision : Allowed

Judgement

Suresh Kumar Kait, J

Crl. M.A. 17284 /2020 (Exemption)

1. Allowed, subject to all just exceptions.

2. Application is disposed of.

BAIL APPLN. 3997/2020

3. Vide the present petition, the petitioner seeks directions thereby to grant anticipatory bail or protection from arrest in favour of the petitioner in FIR

No. 539/2020 dated 27.10.2020 lodged in Police Station Jahangir Puri, District-North, Delhi under Section 376/ 506 IPC.

4. Notice issued.

5. Learned APP for State accepts notice.

6. Prosecutrix is personally present in court through VC with W/SI Saroj Bala, IO of the case, she states that due to misunderstanding, she made false

allegations of rape which culminated into the present FIR and she seeks unconditional apology from this Court and submits that she does not want to pursue this case, thus, FIR may be quashed

7. Although, as per the directions of the Honâ??ble Supreme Court in Parbat Bhai Aahir and Ors. vs. State of Gujrat & Ors.: (AIR 2017 SC 4843,)

the FIR should not be quashed in case of a heinous offence, but when the respondent No.2/complainant herself takes the initiative and makes

affidavits before this Court, stating that she made the complaint due to some misunderstanding and now wants to give quietus to the misunderstanding

which arose between the petitioner and respondent no.2, in my considered opinion, in such cases, there will be no purpose in continuing with the trial.

Ultimately, if such direction is issued, the result will be of acquittal in favour of the accused, but substantial public time shall be wasted.

8. This Court is conscious about the dictum of the Supreme Court in terms of seriousness of the case, however, keeping in view the fact that they

remained friends for two years and are also relatives and had consensual physical relations with each other. Thereafter, they had a break up in the

month of February, 2020 and the present FIR is registered on 27.10.2020.

9. Keeping in view the statement made by prosecutrix and the aforesaid fact though the present petition is filed for anticipatory bail, however, while

exercising power under Section 482, Cr.P.C., I hereby convert the present petition for quashing of FIR as no useful purpose would be served in

prosecuting petitioner any further.

10. For the reasons afore-recorded, FIR No. 539/2020 dated 27.10.2020 registered at Police Station Jahangir Puri and consequent proceedings

emanating therefrom are quashed.

11. The petition is, accordingly, allowed and disposed of.

12. The order be uploaded on the website forthwith.