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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 10075/2024**

BRIJLAL YADAV

.....Petitioner

Through: Mr. Avnish Singh, Mr. MV Singh,
Ms. Kanchan Kumari, Mr. Vishal Kumar, Advs

versus

THE STATE NCT OF DELHI AND ANR

.....Respondent

Through: Mr. Sunil Kr. Gautam, APP
SI Vikas Kasana, PS Paharganj

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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20.12.2024

CRL.M.A. 38628/2024-EX.

Allowed subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 10075/2024

1. This is a petition filed under Section 528 of BNSS, 2023 seeking quashing of the FIR No. 0476/2022 dated 20.11.2022 registered at PS Pahar Ganj under Section 376 of IPC.
2. It is stated by the learned counsel for the petitioner that the ingredients of Section 376 of IPC are not made out as the parties were in a voluntary relationship. Thereafter, they got married and have a baby together. When the relationship turned soured, the present FIR was lodged.
3. The respondent No. 2 has also initiated proceedings under the Domestic Violence Act.



4. Issue notice. Mr. Gautam, learned APP accepts notice.
5. Let intimation under Section 439 (1-A) Cr.P.C read with Delhi High Court Practise Directions dated 24.09.2019 in form Annexure-A attached to the Practise Directions be sent by the Investigating Officer to the respondent No. 2 informing them of the pendency of the present matter to enable them or their authorized signatory to be present in Court if they so desire, either through video conferencing or in Court. It is clarified that it is not compulsory for the prosecutrix to appear in person for the hearing.
6. The notice is returnable on 19.03.2025.

CRL.M.A. 38627/2024-STAY

7. This is an application seeking stay of proceedings in Sessions Case No. 552/2024.
8. In the present case, the allegations against the petitioner in the FIR are that the petitioner forcefully established physical relationships with the respondent No.2. However, the factual narration, *prima facie*, shows that the petitioner and the respondent No. 2 were in a consensual relationship, thereafter got married and even have a child together.
9. The petitioner and the prosecutrix were both major in age at the time of incident and capable to understand the consequences of getting into a relationship. There is also a Settlement Agreement dated 03.09.2024 placed on record recorded at the Mediation Centre, Rohini District Courts, Delhi wherein the parties had settled their disputes.
10. Lastly and most importantly, the FIR is dated 20.11.2022 alleging incidents of March, 2022 and thereafter of August, 2022. There are no satisfactory reasons given for the delay in registration of FIR.



11. It is also transpired that now the relationship has soured and various proceedings have been initiated by the respondent No. 2 against the petitioner.
12. In this view, the proceedings in Sessions Case No. 552/2024 shall remain stayed till the next date of hearing only.
13. List on 19.03.2025.

JASMEET SINGH, J

DECEMBER 20, 2024 / (MS)

Click here to check corrigendum, if any