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

+ **CRL.M.C. 10241/2024**

SHAHROUKH ALI AND ORS

.....Petitioners

Through: Mr. Praveen Singh, Mr. Ajay Kumar
Sharma, Ms. Durgesh Nandini and Mr.
Tarun Sood, Advs.

versus

STATE GOVT. OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Utkarsh, APP for State with SI
Anjana, PS. Delhi Cantt.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

24.12.2024

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CRL.M.A. 39248/2024 (exemption) and CRL.M.A. 39249/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present petition has been filed under Section 528 BNSS seeking quashing of FIR No.283/2024 under Section 376 IPC registered at Police Station Delhi Cantt on the ground that the parties have arrived at a settlement and they have decided to marry.
4. The learned counsel for the petitioner submits that the petitioner was also granted interim bail by the Court of learned ASJ-06, NDD, Patiala House



Courts, New Delhi *vide* order dated 07.11.2024 passed in BAIL APPLN. 1679/2024 to enable him to marry the complainant.

5. He submits that the parties are from different religion and they could not take steps for solemnizing their marriage under the Special Marriage Act, 1954 as there was wedding of the daughter of prosecutrix's sister.

6. He submits that since there are vacations and the courts are re-opening on 03.01.2025, which date has been fixed by the learned ASJ for the petitioner no.1 to surrender, therefore, liberty may be granted to the petitioner no.1 to approach the learned ASJ for the extension of his interim bail.

7. In view of the submissions made, issue notice. The learned APP for the State accepts notice.

8. The respondent no.2 (prosecutrix) is also present in Court and she affirms the factum of settlement. She also affirms the fact that there was a wedding in her sister's family and for the said reason, steps could not be taken for conducting marriage under the Special Marriage Act.

9. Since the marriage has yet to take place, therefore, it will not be appropriate to quash the aforesaid FIR at this stage.

10. However, having regard to the pendency of the present petition, the submissions made by the learned counsel for the petitioner, as well as, the aforesaid statement of the respondent no.2/prosecutrix, the petitioner no.1 is granted liberty to approach the learned ASJ, New Delhi on 03.01.2025 with an application for extension of interim bail.

11. In the event any such application is moved by the present petitioner no.1 (Shahrukh Ali), the same shall be considered and disposed of by the learned ASJ on the same day.

12. List on 04.02.2025.



13. Order *dasti* under the signatures of the Court Master.

VIKAS MAHAJAN, J

DECEMBER 24, 2024/dss