

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(CRL) 1378/2021

GAURAVPetitioner
Represented by: Mr.Anil Kumar Sharma, Advocate.

Versus

STATE (GOVT NCT OF DELHI) AND ANRRespondent
Represented by: Mr.Avi Singh, ASC for the State.
R2 in person (through video
conferencing).

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
28.07.2021

1. By this petition, the petitioners seek quashing of FIR No. 124/2021 under Sections 376/506 IPC registered at PS Paharganj.
2. Notice. Mr.Avi Singh, learned Additional Standing Counsel for the State accepts notice.
3. According to the learned counsel for the petitioner, the above-noted FIR was lodged by the respondent No. 2 in a confusion alleging that the petitioner committed forcible sexual penetrative assault on the prosecutrix after taking her in a room at a Hotel and despite her refusal and stating to the petitioner that she would do it only after marriage, the petitioner committed the offence.

4. The ground which is now urged by the petitioner for quashing of the FIR in question is that the petitioner and the respondent No. 2-prosecutrix have since married and are living together.
5. Subsequent marriage between the petitioner and respondent No. 2 does not waive off the offence as alleged by the complainant committed earlier and offence punishable under Section 376 IPC being a serious offence, the FIR in question cannot be quashed on the basis of compromise between the parties.
6. This Court thus finds no ground to quash the FIR in question. Petition is dismissed.
7. Order be uploaded on the website of this Court.

JULY 28, 2021

MUKTA GUPTA, J.