

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.708 OF 2021
[@ Special Leave to Appeal (Cr1.) No(s). 8909/2019]

Appellant(s)

VERSUS

THE STATE OF DELHI & ANR.

Respondent(s)

O R D E R

Leave granted.

We have heard learned counsel for the parties and considered the materials on record.

Respondent No.2 had lodged a complaint alleging, *inter alia*, that the appellant had committed an offence under Section 376 of the Indian Penal Code. It is undisputed that both the accused (appellant) and respondent No.2 were living together for a considerable while. The complainant's allegation is that the appellant duped her by misrepresenting to her that he is divorced. The complainant, according to the accused, is not unmarried and her marriage subsists.

During pendency of the proceedings, the parties were referred to mediation having regard to the fact that a child was born in the meanwhile (i.e. in the year 2018). As a consequence, a mediated settlement limited to the maintenance and upkeep of the child was arrived at by them.

Having regard to these facts and the submissions made on behalf of the complainant - who does not dispute that this may not

be an appropriate case for pursuing the prosecution further, this Court is of the considered view that the criminal proceedings must be quashed.

In the peculiar circumstances of the present case, the impugned judgment of the High Court is set aside; the FIR (No. 616) and all consequent proceedings be quashed. It is, however, made clear that this order will not come in the way or in any manner prejudice the contentions of the parties in any other pending proceedings, which shall be decided in accordance with law.

The appeal is allowed to the above extent.

Pending application, if any, stands disposed of.

.....J.
[K.M. JOSEPH]

.....J.
[S. RAVINDRA BHAT]

NEW DELHI;
JULY 30, 2021.