



RAJASTHAN HIGH COURT

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

सत्यमेव जयते

S.B. Criminal Miscellaneous (Petition) No. 8774/2024

r,

-----Petitioner

Versus

1. State of Rajasthan, Through P.P.
2. Victim, R/o

-----Respondents



For Petitioner(s) : Mr. Anil Kumar Poonia
For Respondent(s) : Mr. Vivek Choudhary-PP
Mr. Rajendra Singh

JUSTICE ANOOP KUMAR DHAND
Order

06/01/2025

Reportable

1. ***Marriages are pious knots in which two people are tied, not only physically but also emotionally, mentally and psychologically. Marriage is a legal formality or a sort of accord between two people, who agree to take care of each other. In other words, the act of marriage can be put as development of relationship which brings together two people, two souls, two families, two tribes and two races.***
2. ***Marriage is the process through which two people make their relationship public, official and permanent. It joins two people in a bond that putatively lasts until death.***
3. In Ancient Mythology, it was believed worldwide that ***"Marriages are made in Heaven, but celebrated on Earth, Unity of two unknown souls, written right from birth."***



4. The above idiom means that **"the fate or destiny of whom one marry is decided by a High Power, such as God, and not by human choice or action."** It is often used to express the belief that marriage is a sacred and divine institution and that married couples have a special bond that transcends earthly matters. Marriage is often regarded as a sacred bond, holds a unique significance in culture, echoing the age-old belief that certain unions are made in Heaven.

5. By way of filing of this misc. petition, a prayer has been made by the petitioner to quash the impugned FIR No. 901/2024 registered with the Police Station Shipra Path, Jaipur City (South) against him for the offence under Sections 376(2)(n), 420 and 313 IPC on the basis of compromise and solemnization of marriage between the parties.

6. Learned counsel for the petitioner submits that the respondent No. 2 had lodged a report against the petitioner wherein allegation of rape has been levelled. Counsel submits that subsequently, both the petitioner as well as the complainant/victim i.e. respondent No. 2 have performed marriage with each other and they have got their marriage registered with the Registrar of Marriage on 18.12.2024. Counsel submits that under the changed circumstances, the FIR as well as the proceedings arising out of the same be quashed and set aside in the interest of justice as well as in the interest of the parties. In support of his contentions, he has placed reliance upon the judgment passed by this Court in the case of **Saurabh Malhotra**





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Vs. State of Rajasthan and Anr. while deciding S.B. Criminal Misc. (Petition) No. 9687/2022 vide order dated 06.01.2023.

7. Per contra, learned Public Prosecutor opposed the arguments raised by counsel for the petitioner, whereas, the counsel for the complainant has supported the arguments raised by counsel for the petitioner.

8. The respondent No. 2 i.e. victim "K" has put in appearance in person and she has been duly identified by her counsel and submitted that after registration of the aforesaid FIR, she has performed marriage with the petitioner and got the certificate in this regard from the competent authority on 18.12.2024. She submitted that now she is leading a happy married life with the petitioner & her in-laws and she does not want to prosecute the petitioner, therefore, the FIR registered by her against the petitioner be quashed in their interest.

9. Heard and considered the submissions made at Bar and perused the material available on record.

10. Instant petition has been submitted for quashing of FIR on the basis of compromise between the parties.

11. The term 'compromise' has been defined in the Black's Law Dictionary which means an agreement arrived at either in the Court or out of the Court, for settling a dispute upon what appears to be equitable terms. In other words, compromise means a settlement of differences by mutual concession or an adjudication of the matter in dispute by mutual concession.

12. Here in the instant case, it has been alleged by the complainant/respondent "K" she came in touch with the petitioner





on social media and they became friends. The petitioner used to tell her that he would perform marriage with her and on this promise, they developed physical relation and the respondent became pregnant. He provided her medicines of abortion and assured her again to solemnize marriage with her. Thereafter, he stopped talking with her.



Upon this report Crime No. 901/2024 was registered with Police Station Shipra Path, Jaipur City (South) under Sections 376(2)(n), 420 and 313 IPC on 27.11.2024. After registration of FIR, the petitioner and the respondent 'K' has solemnized marriage with each other on 18.12.2024 and got their marriage registered from the Marriage Registration Office.

13. The prosecutrix 'K' has submitted that after performing marriage with the petitioner on 18.12.2024 she is leading a happy married life with him and she does not want to prosecute him, hence, she has prayed for quashing the impugned FIR registered by her against the petitioner.

14. Dealing with the similar issue the Hon'ble Apex Court has held in the case of Appellants v. State & Anr.[Criminal Appeal Nos. 394-395 of 2021 (Arrising out of SLP (Crl.) Nos. 3175-76 of 2021) (Diary No. 11723 of 2020) decided on 12.04.2021] as under :-

"The gravamen of the allegations in the FIR filed by the private respondent was that the appellant had promised her that he will marry her, which promise was not kept by the appellant. The FIR was registered on 17.09.2013.

It is not in dispute that after the registration of FIR, the parties were able to resolve their differences and eventually got married on 11.10.2014. The appellant as well as private respondent represented by Ms. Meenakshi Arora,



learned senior counsel jointly state that they are enjoying happy married life.

A joint request is, therefore, made on behalf of the appellant and the private respondent that the FIR registered on 17.09.2013 be quashed as it was the outcome of some misunderstanding between the parties.

Considering the nature of allegations in the FIR and the realization of the fact that due to miscommunication FIR came to be registered at the relevant point of time which issues/misunderstanding have now been fully resolved and the parties are happily married since 11.10.2014, the basis of FIR does not survive. Rather registering such FIR was an ill-advised move on the part of the private respondent, is the stand now taken before us. It is seen that the appellant and private respondent are literate and well-informed persons and have jointly opted for quashing of the stated FIR.

Taking overall view of the matter, therefore, in the interest of justice, we accede to the joint request of quashing of FIR in the peculiar facts of the present case.

Hence, these appeals must succeed. The impugned judgment and order is set aside. Instead, the Writ Petition filed by the appellant for quashing is allowed, as a result of which, all steps taken on the basis of impugned FIR be treated as effaced from the record in law..”

15. Similarly, in the case of **Jatin Agarwal v. State of Telangana & Anr.** [Criminal Appeal No. 456/2022, decided on 21.03.2022], the Supreme Court has held as under :-

“An FIR was lodged against the appellant by the respondent no.2 for offences under Sections 417, 420 and 376 IPC alleging that the respondent no.2 was introduced to the petitioner through Bharat Matrimony and thereafter they remained in touch with each other. It was alleged that on the promise to marry, the appellant made physical relationship with respondent no.2. Thereafter, since the appellant refused to marry, the FIR was lodged by the respondent no.2. However, it is not disputed that on 23.09.2020, the appellant and the respondent no.2 have got married, for which





marriage certificate has also been issued on the same date.

The appellant then filed an application for quashing of the FIR. The High Court dismissed the petition filed under Section 482 Cr.P.C. Aggrieved by the said order, this appeal by way of special leave petition has been filed.

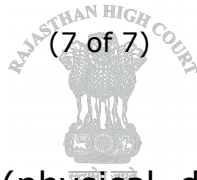
On earlier occasion, this Court directed the respondent no.2 to be present through video-conferencing. Today, respondent no.2, namely, Ms. T. Harshini appeared through video-conferencing, who has been duly identified by Mr. Saivamshi V., learned counsel. Respondent no.2 has made a statement that it is correct that she is now married to the appellant and leading a happy married life and has also made a statement that she does not wish to press the FIR lodged against the appellant.

Considering the aforesaid facts and keeping in view that the respondent no.2/complainant has herself made a statement before us that she has married the appellant and now living happily, we exercise our powers under Article 142 of the Constitution of India and to do complete justice in the matter, we quash the FIR dated 16.08.2020 lodged by the respondent no.2 against the appellant under Sections 417, 420 and 376 IPC."

16. Since the prosecutrix "K" is leading a happy married life with the petitioner, this Court cannot shut its eyes to the ground reality and disturb their married life. Hence, under these circumstances, the continuation of proceedings against the petitioner would hamper his marriage with the respondent "K". This Court being constitutional Court must mercifully protect the feelings and married life of the respondent "K" who is a major lady.

17. Marriage is considered as sacred union between two individuals – transcending beyond physical, emotional and spiritual bonds. According to the ancient Hindu laws, marriage and its rituals are performed to pursue Dharma (duty), Artha





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(possessions), and Kama (physical desire). With such sanctity, marriage is more than a ritual, which cannot be allowed to be destroyed by continuing the criminal proceedings against the petitioner.



18. Looking to the totality of the facts and circumstances of the case and after following the judgment passed by Hon'ble Apex Court in the cases of **Appellants Vs. State (Supra)** and **Jatin Agarwal (Supra)**, the impugned FIR registered against the petitioner stands quashed and set aside and as a consequence thereof, the entire proceedings arising out of the aforesaid FIR stands quashed and set aside.

19. The criminal misc. petition stands allowed.

20. Stay application and all pending application(s), if any, also stand disposed of.

21. Before parting with this order, it is observed by this Court that **the instant FIR is being quashed only keeping in view the peculiar facts and circumstances of this case where the prosecutrix "K" has performed marriage with the petitioner and their marriage has been duly registered by the competent authority, hence, under these circumstances, this case should not taken as a precedent regarding power of this Court to exercise its jurisdiction under Section 528 B.N.S.S. to quash an offence of rape on the ground that victim and the accused have entered into compromise.**

(ANOOP KUMAR DHAND),J

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