

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.666/2017

ATUL KUMAR

Appellant(s)

VERSUS

THE STATE GOVT.
OF NCT OF DELHI & ANR.

Respondent(s)

O R D E R

The appellant is the sole accused and has been charged for the offences under Sections 366, 376 and 506 of the Indian Penal Code, 1860 (for short 'the IPC')

The case against the appellant is that with the false promise of marriage, he entered into a sexual relationship with the complainant/respondent No.2. However, thereafter, the appellant resiled from his promise and declined to marry the complainant/respondent No. 2.

Before the High Court, the respondent No. 2/complainant filed an affidavit stating that they are married and have been living happily. However, the High Court, by the impugned order, declined to accede to the joint request made for the quashing of the proceedings.

Considering the fact that the appellant and the respondent No. 2/complainant are married and have two children and the learned counsel(s) reiterated the said position, we are inclined to quash the FIR and consequent proceedings.

Even otherwise, on perusal of the complaint made, certainly the charge is not made out against the appellant.

The impugned order stands set aside and consequently, the criminal proceedings registered as FIR No.612/2014, dated 10.07.2014 at Police Station Kalyanpuri, Delhi for the offences under Sections 366, 376 and 506 of the IPC and consequent proceedings are quashed.

Accordingly, the appeal stands allowed.

Pending application(s), if any, shall stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[RAJESH BINDAL]

NEW DELHI;
JANUARY 23, 2025.

ITEM NO.107

COURT NO.9

SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 666/2017

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Date : 23-01-2025 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE RAJESH BINDALFor Appellant(s) Mr. Amol Chitale, Adv.
Mrs. Pragya Baghel, AOR

For Respondent(s) Mr. Chirag M. Shroff, AOR

Ms. Ranjeeta Rohatgi, AOR
Mr. Yuvraj Kashyap, Adv.UPON hearing the counsel the Court made the following
O R D E R

The appeal stands allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(ASHA SUNDRIYAL)
DY. REGISTRAR(POONAM VAID)
ASSISTANT REGISTRAR

[signed order is placed on the file]