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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 1173/2016

DILIP

..... Petitioner

Through

Mr. M.K. Chawla, Advocate along with  
petitioner in person

versus

THE STATE OF GOVT OF N.C.T DELHI & ORS.

..... Respondent

Through

Mr. Akshai Malik, APP along with SI A.  
Kumar, PS Vivek Vihar, Delhi  
Complainant in person

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

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20.05.2016

Crl. MA 5028/2016 (exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

Crl. MC 1173/2016

This is a petition u/s 482 Cr.P.C. moved by the petitioners for quashing of FIR No.38/2012 registered at Police Station Vivek Vihar, Delhi under Section 354 IPC and consequent proceedings emanating therefrom on the ground that the parties have compromised the matter.

Briefly stated the facts of the case are that on 27.2.2012 on the complaint of Ms. Aruna, respondent No.2 herein, aforesaid FIR has been registered on the allegations that she has been residing with her parents at H.No.90, Shiva Khand, Jhilmil Colony, Delhi and used to give tuitions. The petitioner, who is living in the same vicinity used to stalk at her when she used to go for tuitions and on 27.02.2012 at about 5:30 pm while she was going to B Block, Vivek Vihar to give tuitions, he came there, pulled her shawl, caught hold of her hand and pulled her on the earth and tried to kiss her. When she raised alarm, several people gathered and thrashed him and 100 number call was made by someone. Consequently, FIR was registered. During the course of investigation, statements of witnesses were recorded, evidence was collected, accused was arrested and after the completion of investigation, charge sheet was filed against him. Presently the case is

pending trial before the concerned Court.

It is submitted by counsel for the petitioner that due to the intervention of common friends, relatives and the neighbours, petitioner and respondent No.2 have settled their disputes amicably without there being any threat, coercion or pressure of any sort. The compromise deed is at page 42.

The respondent No.2/complainant, who is present in person (duly identified by the Investigating Officer of the case) submits that the petitioner has tendered apology to her which she has accepted. Now she has got married and does not want to proceed further with the matter. She has amicably resolved all disputes with the petitioner without there being any threat, coercion or pressure of any sort and in view of the settlement arrived at between the parties, she does not want any action against the petitioner and does not have any objection to quashing of the instant FIR.

Mr Akshai Malik, APP for State submits that in view of the settlement arrived at between the parties, he has no objection to quashing of FIR but since the State machinery has been set in motion on account of act the petitioner, he be burdened with some costs.

Keeping in view the facts that the parties have compromised the matter with each other amicably, this matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question would be an exercise in futility and wastage of precious time of the Court.

Accordingly, the petition is allowed and the FIR No.38/2012 registered at Police Station Vivek Vihar, Delhi under Section 354 IPC and consequent proceedings emanating therefrom are hereby quashed subject to payment of Rs.15,000/- as costs which be deposited by the petitioner with Delhi High Court Legal Services Committee within two weeks from today. Copy of receipt of deposit of costs be placed on record.

The petition stands disposed of accordingly.

A copy of this order be given *dasti* to counsel for the petitioners.

SUNITA GUPTA, J

MAY 20, 2016

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