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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 2919/2017

PANKAJ GOEL

..... Petitioner

Through: Mr.Umesh Gupta, Advocate with
petitioner in person

versus

STATE & ANR

..... Respondents

Through: Mr.Kewal Singh Ahuja, APP for the
State/R-1
Mr.Manish Kumar, Advocate for R-2
with brother of R-2/complainant

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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30.08.2017

1. By way of this petition filed under Section 482 Cr.P.C., petitioner is seeking quashing of case FIR No.89/2016 under Sections 354A/509 IPC registered at PS Nangloi, Delhi on the basis of settlement.

2. In brief the prosecution case is that the complainant and the petitioner became friendly through facebook. Since both of them belong to the same *gotra*, marriage in the same *gotra* was not permissible. However, after the marriage proposal was rejected, the petitioner visited the complainant and made indecent gesture and abused her. Though immediately thereafter the complainant did not make the complaint but subsequently she made complaint against the petitioner which was resulted into registration of FIR No.89/2016 under Sections 354A/509 IPC at PS Nangloi.

3. It has been stated that apart from this FIR, the parties were also involved in various other litigations including Civil Suit No.607831/16 filed

by the complainant against the petitioner and the case filed by the petitioner at District Court Ambala, Haryana. In Civil Suit No.607831/16, the matter was referred to Mediation Centre, Tis Hazari Court, Delhi where parties have resolved all their disputes vide settlement dated 2nd May, 2017 (copy placed on record as Annexure-B) on the following terms and conditions:-

‘(i) It is agreed between the parties that they have settled all their disputes and differences amicably in full and final settlement.

(ii) In terms of the settlement the plaintiff will withdraw the present suit from the ld. Referral Court today itself through her counsel.

(iii) The defendant will also withdrawn his case which is filed before District Court Ambala, Haryana which is fixed for 08.05.2017 and both the parties shall not interfere into each other’s life respectively in any manner.

(iv) It has also been agreed between the parties that defendant shall file the quashing petition for FIR bearing No.89/16 U/s 354-A/506 IPC, PS Nangloi, Delhi and the complainant/plaintiff shall cooperate with the defendant and also shall file her affidavit for the quashing of the FIR. She will also make a statement before the Hon’ble High Court to quash the said FIR.

(v) It is also agreed between the parties that they both will withdraw all their complaint till date filed against each other.’

4. It is informed that complainant ‘M’ (name withheld to conceal the identity) has delivered a child just four days back and she is unable to come to the Court today. However, brother of the complainant Sh.Vinod Goyal is present and informs that even during the mediation proceedings the

complainant was represented by him. He further submits that in view of the settlement before the Mediation Centre, the FIR in question qua the petitioner may be quashed.

5. Learned counsel for the petitioner submits that since the parties have settled all the disputes amicably before the medication centre and have no grievance against each other, no purpose would be served in prosecuting the petitioner any further, hence the FIR in question and criminal proceedings emanating therefrom may be quashed.

6. Though the petitioner has been charged with the offences, some of them are non-compoundable, but in view of the legal position laid down by the Hon'ble Supreme Court in the case of *Gian Singh v State of Punjab & Anr. 2012 (9) SCALE 257* and amicable settlement arrived at between the parties before the Mediation Cente, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioner, which will only be an exercise in futile and wastage of precious time of the Court.

7. Accordingly, the petition is allowed and FIR No.89/2016 under Sections 354A/509 IPC registered at PS Nangloi, Delhi and consequential proceedings arising therefrom are hereby quashed. The parties shall abide by the terms and conditions of the full and final settlement arrived at between the parties before Tis Hazari Court Mediation Centre, copy of which is placed on record as Annexure-B.

Dasti.

PRATIBHA RANI, J.

AUGUST 30, 2017/ 'pg'