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

+ W.P (CRL). 2123/2017

PRADEEP KUMAR

..... Petitioner

Through: Mr. Manoj Pant, Advocate, along with
petitioner in person.

Versus

STATE & ANR

..... Respondents

Through: Ms. Srilina Roy, Advocate for
Ms.Nandita Rao, for the State with W/SI Rinki
P.S. Anand Vihar, Delhi.

Mr.Vikas Walia, Advocate for R-2 along with
respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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12.09.2017

1. Status report has been filed.
2. Respondent No.2 appears in person. She is represented by her counsel. She is duly identified by the IO W/SI Rinki.
3. The petitioner has invoked the writ jurisdiction of this court under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (in short Cr.PC) for quashing of the FIR bearing No.282/2017, registered against him on 13.06.2017 with Police Station Anand Vihar, Shahdara District, Delhi, under

Section 354 (C) IPC, on the complaint of respondent No.2.

4. As per the allegations, while the complainant was taking bath in the bathroom of her house, the petitioner while standing outside on the road/Gali, captured her image in a video from his black colour Motorola mobile instrument.
5. Subsequently after the registration of the FIR, the petitioner and the respondent No.2 had amicably settled the matter by executing a settlement dated 21.06.2017 by which the respondent No.2/complainant has agreed not to pursue the said FIR. She submits that the said FIR may be quashed. The respondent No.2 has pardoned his immoral conduct.
6. The conduct of the petitioner is highly shameful and he had crossed all limits of decency. The petitioner submits that he has been working as a Cook in Hotel Leela, near Karkardooma Courts, Delhi. The petitioner tenders an apology to respondent no.2. He undertakes that he shall not indulge himself in such activities or behaviour in the future. The undertaking so furnished is accepted.
7. Learned ASC for the state through the IO submits that the charge sheet in the matter has so far not been filed. She further submits that costs should be imposed on the petitioner as due to his illegal action, State machinery was used.
8. In the facts and circumstances of the case, since the matter has been amicably settled between the parties and having regard to the fact that the petitioner is 37 years of age and is still relatively young and his future career shall be jeopardized if the criminal proceedings are continued against him, no fruitful purpose would be served in further

pursuing the said FIR. Moreover, he might not be aware of consequences of his illegal activity which could follow. Hence, in the facts and circumstances of the case and to secure ends of justice, FIR bearing No.282/2017, registered on 13.06.2017 with Police Station Anand Vihar, Shahdara, Delhi, under Section 354C IPC and proceedings arising out of the said FIR are hereby quashed subject to the following directions:

- i. Petitioner depositing a sum of Rs.25,000/- as cost with the Prime Minister's Relief Fund within a period of two weeks from today. Copy of receipt shall be filed within one week thereafter with the Registry and a copy thereof be supplied to the IO.
- ii. Petitioner shall perform *Kar Sewa* at Gurudwara, Mayur Vihar Phase 2, Vinod Nagar East, Delhi, 110091 once a week on every Saturday for three hours between 06.00 a.m. to 09.00 a.m. for a period of four weeks. Head of the Management of the said Gurudwara is requested to utilize the services of the petitioner in any manner he considers appropriate and furnish a certificate qua his conduct at the expiry of the said period of four weeks. The Probation Officer of the area shall ensure that the petitioner discharges the *Kar Sewa* effectively, regularly and punctually. In case of default let the Probation Officer through the SHO Mayur Vihar Phase-2 or concerned SHO who shall report to prosecution branch to bring it to the notice of the Court to recall the order of quashing of FIR.

9. The petition is disposed of accordingly.

10. Order *dasti*. A copy of this order be also sent to the Head of the Management of Gurudwara Mayur Vihar Phase 2, Vinod Nagar East, Delhi, 110091 for necessary information and compliance.

VINOD GOEL, J.

SEPTEMBER 12, 2017

"sandeep"