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

+ W.P.(CRL) 3086/2017, Crl. M.A. 18121/2017

KRISHNA & ORS

..... Petitioner

Through: Mr. Rishi Pal Singh, Adv.

versus

THE STATE GOVT OF NCT OF DELHI & ORS

..... Respondent

Through: Ms. Richa Kapoor, ASC with Mr.
Ashish Negi, Adv. for State.

Mr. Ashish Kumar, Adv. for respondent
Nos. 2, 3 & 4.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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07.11.2017

This petition seeks quashing of FIR No. 1207/2017, Police Station Mangolpuri, under Sections 323/354-B/509/506/34 IPC and under Section 12 of the Protection of Children from Sexual Offences (POCSO) Act which was registered subsequent to a complaint made by respondent No. 2. The latter and the petitioners have now settled their differences by way of a compromise cum settlement deed dated 03.11.2017 which is attached to the petition as Annexure B. Although, the FIR was first registered on 03.09.2017, supplementary charges under section 12 of the POCSO Act were added after 10 days i.e. on 12.09.2017. However, no aggravated form of sexual assault is

alleged; there is only a mention of someone trying to pull the minor daughter's hand during a quarrel between the parties, who have now compromised the case. For this reason, the Court is of the view that the allegation would be a disputed question of fact.

Since the parties have resolved their differences and the complainant herself is not interested in pursuing the matter, any further proceedings arising from the aforesaid FIR would be an exercise in futility. Ms. Richa Kapoor, learned ASC states that the statement of the minor has not been recorded and the mother too does not support the version recorded in the FIR; the case is at the stage of investigation.

The parties are present in court. They have been identified by their respective counsel. The complainant states that she does not wish to pursue her complaint. The parties also state that they would like to live as neighbour peacefully. Therefore, it would be in the interest of justice if the FIR is quashed.

In **Sajith S. Vs. State of Kerala** CrI. M.C. 7251 of 2016, decided on 7th day of November, 2016 the Kerala High Court held:

“4. Though, the allegation includes sexual assault on a minor woman and the provisions of POCSO have been invoked, it does not involve an aggravated form of sexual assault. Further, the question whether it happened accidentally or whether it was done intentionally is a highly disputed question of fact. Having regard to these facts, I feel that continuance of the proceedings may not be in the interest of parties concerned. Hence, I am inclined to invoke the jurisdiction under Section 482 Cr. P.C.”

In the circumstances, the aforesaid FIR No. 1207/2017, Police Station Mangolpuri, under Sections 323/354-B/509/506/34 IPC and under Section 12 of the Protection of Children from Sexual Offences (POCSO) Act alongwith all proceedings emanating therefrom are hereby quashed.

The petition is disposed off.

NAJMI WAZIRI, J

NOVEMBER 07, 2017/acm