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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4868/2017**

PRATIK JAIN

..... Petitioner

Through: Mr.Himanshu, Advocate

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: Mr.Panna Lal Sharma, APP for State
with Inspector Deepak Malik, PS
Maurya Enclave
Mr.Prakash Gohil, Adv for R-2 with
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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23.11.2017

Vide the present petition, the petitioner seeks quashing of FIR No. 608/2014 under Section 354-D/506/201 of the IPC, 1860 and Sections 66C/66D of the I.T. Act, Police Station Maurya Enclave. submitting to the effect that a settlement has been arrived at between the parties with due intervention of the local residents and well wishers and pursuant thereto a Memorandum of Understanding has been executed between the petitioner and the respondent No.2.

The Investigating Officer has identified both, the petitioner and the respondent No.2, present in the Court today.

The respondent No.2 has produced her original identity card, i.e., Aadhar Card bearing No.959629960095, a photocopy of which is Ex.CW-2/B (original seen & returned). *Inter alia* in her statement she

has testified to the effect that Ex.CW2/A had been executed in view of a compromise between the parties vide the Memorandum of Understanding dated 20.11.2017 which she submits that she has signed of her own accord and without any duress or coercion from any quarter. She has further submitted to the effect that the settlement in the form of the Memorandum of Understanding has been materialized without any consideration amount and that she does not oppose the quashing of the FIR No. 608/2014 under Section 354-D/506/201 of the IPC, 1860 and Sections 66C/66D of the I.T. Act, Police Station Maurya Enclave and all proceedings emanating therefrom.

Learned APP for State has, however, opposed the prayer made by the petitioner submitting to the effect that the allegations levelled against the petitioner are grave and serious inasmuch as per the averments made in the FIR, the petitioner is habitual of molesting the respondent No.2 in some mode or the other having made 500 calls and messages and disturbed the respondent No.2 and the family of the respondent No.2.

The petitioner in reply to a specific Court query has made a specific statement that he will no more contact the respondent No.2 in future.

Taking into account the young age of the petitioner and the young age of the respondent No.2, not allowing the prayer made by the petitioner in the circumstances may cause more damage even to the security of the respondent No.2. In the interest of justice, it is considered essential, that justice itself does not become a casualty.

In view of the observations of the Hon'ble Supreme Court in *Gian Singh vs. State of Punjab & Another*, (2012) 10 SCC 303:

“58..... No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive.

Each case will depend on its own facts and no hard-and-fast category can be prescribed.”,

it is considered appropriate, in the interest of justice so that there is harmony maintained and peace restored between the petitioner and the respondent No.2 to allow the prayer made by the petitioner seeking quashing of the FIR No. 608/2014 under Section 354-D/506/201 of the IPC, 1860 and Sections 66C/66D of the I.T. Act, Police Station Maurya Enclave and all proceedings emanating therefrom.

In view thereof the FIR No. 608/2014 under Section 354-D/506/201 of the IPC, 1860 and Sections 66C/66D of the I.T. Act, Police Station Maurya Enclave and all proceedings emanating therefrom are thus quashed.

The petition is disposed of.

ANU MALHOTRA, J

NOVEMBER 23, 2017/sv

IN THE HIGH COURT OF DELHI: NEW DELHI

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**CW-3 Statement of PRATIK JAIN S/O SH.PRAVIN KUMAR JAIN
AGED 27 YEARS, R/O TOWER HOUSE, BHAGWAN MAHAVIR
PATH, TATARPUR, JAGDISHPUR, BHAGALPUR, BIHAR
On S.A.**

I have brought my Aadhar Card bearing No.575341111263, a photocopy of which is Ex.CW-3/A (original seen & returned).

I have signed the Memorandum of Understanding Ex.CW-2/A at point B on each page voluntarily. I undertake never to contact the respondent No.2 in future.

**RO & AC
23.11.2017**

ANU MALHOTRA, J

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CW-1 Statement of INSP.DEEPAK MALIK, POLICE STATION MAURYA ENCLAVE.

On S.A.

I identify the petitioner/accused Pratik Jain and the respondent No.2 Ms.X, Complainant of the FIR No.608/2014 under Section 354-D/506/201 of the IPC, 1860 and Section 66C/66D I.T.Act Police Station Maurya Enclave present in Court today.

RO & AC

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**CW-2 STATEMENT OF MS. X, D/O SH.DINESH BAJORIA, AGED 23 YEARS, R/O BU-266, 2ND FLOOR, PITAMPURA, DELHI-110034
On S.A.**

I am pursuing graduation.

The Memorandum of Understanding dated 20.11.2017 bears my signatures thereon at points A on each page thereof which Memorandum of Understanding is Ex.CW-2/A.

I have brought my original identity card, i.e., Aadhar Card bearing No.959629960095, a photocopy of which is Ex.CW-2/B (original seen & returned).

The person present in the Court today is the petitioner, Pratik Jain arrayed as accused in the FIR No. 608/2014 under Section 354-D/506/201 of the IPC, 1860 and Section 66C/66D I.T.Act Police Station Maurya Enclave which was lodged on my complaint.

I have signed the Memorandum of Understanding Ex.CW-2/A voluntarily of my own accord without any duress, coercion or pressure from any quarter.

I do not oppose the prayer made by the petitioner Pratik Jain in relation to the quashing of the FIR No. 608/2014 under Section 354-D/506/201 of the IPC, 1860 and Section 66C/66D I.T.Act Police Station Maurya Enclave and all proceeding emanating therefrom and I do not seek

that the petitioner be punished in relation thereto.

I have made this statement voluntarily of my own accord without any duress, coercion or pressure from any quarter.

RO & AC
23.11.2017

ANU MALHOTRA, J