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

+ **CRL.M.C. 1441/2018**

SACHIN GOEL @ SONU & ANR

..... Petitioner

Through : Mr Sanjeev Kumar and Mr Sahil
Aggarwal, Advocates with petitioners
in person.

versus

STATE (NCT OF DELHI) & ORS

..... Respondent

Through : Mr Arun Kumar Sharma, APP.
SI Babita, PS Punjabi Bagh.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

O R D E R

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21.03.2018

Crl. M.A. 5246/2018(exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 1441/2018

1. Petitioners seek quashing of FIR No.267/2016 under Sections 323/341/354/452/506/509/34 IPC and Section 8 of the POCSO Act, Police Station Punjabi Bagh, based on a Settlement.

2. The allegations against the petitioners are that petitioners are neighbours and they, consequent to a quarrel, came to the house of the neighbours with sticks. When the prosecutrix objected to the same,

they pulled her hair and hit her on the chest.

3. FIR was lodged on the complaint of the mother, who was also present on the spot and when she attempted to intervene, they threatened her and abused her. Learned Counsel for the Petitioner submits that the allegations do not show that there was any sexual intent as is required under section 7 of POCSO

4. With the intervention of the respectable elder members of the Society, parents, family and friends, the parties have amicably settled their disputes.

5. The Settlement records that the dispute occurred on the spur of the moment and with the intervention of the respectable elder members of the Society, parents, family and friends, the parties have agreed to amicably settle their disputes with a view to restore peace and harmony. The petitioners have also regretted their conduct.

6. Respondent Nos.2 & 3 are present in Court in person along with father of respondent No.3, are also represented by counsel and identified by the Investigating Officer. They confirm that they have arrived at a Settlement with a view to maintain peace and harmony in the locality and further that they do not wish to press their complaint any further.

7. The petitioners are also present in person in Court. They have regretted their conduct.

8. In view of the above and keeping in view of the fact that the

parties have resolved their dispute with the intervention of respectable members of the Society with a view to restore peace and harmony between them and a Settlement has been arrived at between the parties, and further they do not wish to press charges against each other, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. It would be expedient to quash the subject FIR and the consequent proceedings emanating therefrom.

9. Accordingly, FIR No.267/2016 under Sections 323/341/354/452/506/509/34 IPC and Section 8 of the POCSO Act, Police Station Punjabi Bagh, and the consequent proceedings emanating therefrom are hereby quashed, subject to the petitioner depositing costs of Rs.10,000/-, which shall be paid to the “*Prisoners Welfare Fund, Jail No. 13, Mandoli*”, Mangal Pandey Marg, Harsh Vihar, Village Mandoli, Delhi, within a period of two weeks from today. Receipt of deposit of the costs imposed by this Order be furnished to the concerned Investigating Officer within a period of three weeks from today.

10. Order Dasti under signatures of Court Master.

SANJEEV SACHDEVA, J

MARCH 21, 2018/SP