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

+ **CRL.M.C. 4643/2018 & CrI.M.A. No.31966/2018**

SURENDER KHATRI

..... Petitioner

Through: Mr.S.C. Singhal, Adv. with petitioner
in person.

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr.Mukesh Kumar, APP for the State
with WSI Anita, PS Paschim Vihar
R-2 in person.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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28.11.2018

1. Vide the present petition filed u/s 482 Cr.P.C., the petitioner seeks quashing of FIR No.0137/2018 registered u/s 34/506/509 IPC, under Section 12 of the Protection of Children from Sexual Offence Act, 2012 and under Section 75 of the Juvenile Justice (Care and Protection) Act, at Police Station Paschim Vihar, Delhi.

2. Learned counsel for the petitioner submits that the petitioner is an old acquaintance of the respondent no.2's mother and was a regular visitor to respondent no.2's house, who is staying with her mother. He submits that since divorce proceedings are pending between the respondent no.2's parents, they are both trying to settle their personal scores through their minor daughter/respondent no.2.

He further submits that the respondent no.2, upon being misguided by her father, had made a wholly baseless complaint against the petitioner, merely because he was known to her mother with whom the respondent no.2's father is admittedly having strained relations, which in turn culminated into the registration of the aforesaid FIR. He submits that now that the respondent no.2 has clearly stated that the complaint made by her was under some confusion, the captioned FIR and proceedings emanating therefrom be quashed. He submits that the petitioner is willing to pay any costs as may be directed by this Court.

4. The petitioner as also the respondent no.2 along with her mother are present in Court and have been identified by the Investigating Officer. I have also interacted with the respondent no.2 at length in Chamber and she states that the complaint was made by her at the behest of her father when she was only 13 years of age and, therefore, she does not really know as to what was written on her behalf in the complaint. She categorically states that she has no complaint against the petitioner. She further submits that she is a student of Class-X who wants to concentrate on her studies and therefore, does not want the aforesaid criminal proceedings to continue.

5. I have considered the submissions of the learned counsel for the parties and perused the records. Keeping in view the fact that the parties are known to each other for the last many years and divorce proceedings between the parents of respondent no.2 are already pending, as also the fact that the respondent no.2 has categorically

stated that the complaint was made by her without really understanding the contents thereof, no useful purpose will be served in continuing with the criminal proceedings. In my view, in these circumstances, continuation of the criminal proceedings will be an abuse of the process of law. The ends of justice demand that the captioned FIR and consequential proceedings be quashed.

6. For the aforesaid reasons, the petition is allowed and the captioned FIR and proceedings emanating are quashed, subject to the petitioner paying a sum of Rs.1,00,000/- as costs to the Delhi High Court Staff Welfare Fund within three days from today. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the learned Trial Court.

7. The petition along with the pending application is disposed of in the above terms.

REKHA PALLI, J

NOVEMBER 28, 2018

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