

49# \$~

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

+ **W.P.(CRL) 2758/2018**

AVJYOT SINGH HORA & ORS

..... Petitioners

Represented by: Mr. Ramesh Gupta, Sr. Advocate with
Mr. Ajay P. Tushir and Mr. Anuj
Gupta, Advocates with petitioners
along with parents of the petitioners in
person.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Represented by: Ms. Kamna Vohra, Additional
Standing Counsel for State with ASI
Mahavir Singh, PS Mianwali Nagar.
Respondent No.2 along with parents in
person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

14.09.2018

Crl. M.A. No. 32072/2018 (Exemption)

Allowed, subject to all just exceptions.

W.P.(CRL) 2758/2018

By the present petition, the petitioners, out of which petitioner Nos. 1, 2 and 3 are minor and petitioner No.4 has now attained majority, seek quashing of FIR No. 311/2018 under Sections 354D/506/509/34 IPC and Section 12 of the Protection of Children from Sexual Offence Act (in short 'POCSO Act') registered at PS Mianwali Nagar, Delhi on the complaint of respondent No.2, who is also a minor and the proceedings pursuant thereto on the ground that parties through their legal guardians have settled the matter.

W.P.(CRL) 2758/2018

Page 1 of 3

Learned Additional Standing Counsel for the State on instructions from Investigating Officer submits that the above noted FIR was registered at the instance of respondent No.2 in view of the alleged misbehaviour by petitioner Nos.1 to 4 wherein major role was played by petitioner No.3 and the role of petitioner Nos. 1, 2, and 4 was of accompanying the petitioner No.3. She states that besides the four petitioners, there is no other accused and besides the respondent No.2 there is no other complainant/victim.

Respondent No. 2, who is a minor, is present in Court along with her natural guardians, that is, her parents, who have been identified by the Investigating Officer. Parents of respondent No.2 state that as the petitioners have tendered their apologies and assure that no such misbehaviour will take place in future, considering the future prospects and career of four petitioners, who are also young children studying in school they do not wish to pursue the above noted FIR and the proceedings pursuant thereto.

Parents of petitioner No.1 and petitioner No.2, fathers of petitioner No.3 and petitioner No.4 who are their natural guardian and petitioner Nos. 1, 2, 3 and 4 are present in Court and are identified by the learned counsel. They affirm the statement of parents of respondent No.2 and respondent No.2. Petitioner Nos. 1, 2, 3 and 4 tender their unqualified apology and assure that no such misbehaviour will take place in future. Parents of petitioner Nos. 1 and 2 and fathers of petitioner Nos. 3 and 4 state that they will ensure that the four petitioners do not indulge in any illegal activity in future and to show remorse they undertake to deposit costs also.

In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, it would be in ***W.P.(CRL) 2758/2018***

the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question.

Consequently, FIR No. 311/2018 under Sections 354D/506/509/34 IPC and Section 12 of the Protection of Children from Sexual Offence Act (in short 'POCSO Act') registered at PS Mianwali Nagar, Delhi and proceedings pursuant thereto are hereby quashed subject to the parents of petitioner Nos. 1, 2 and 4 depositing a cost of ₹10,000/- each and father of petitioner No.3 depositing a cost of ₹1 lakh with the Chief Minister's Distress Relief Fund, Kerala within two weeks as undertaken. Receipt of the costs deposited will be placed on record.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

SEPTEMBER 14, 2018/'vn'