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

+ CRL.M.C. 4329/2018

SUNDER @ SUNDER RATHOR Petitioner

Through: Ms. Pooja Sarwal, Advocate.

versus

THE STATE (NCT OF DELHI) & ANR. Respondents

Through: Mr. Amit Chadha, APP for the State
with SI Amit Kumar, PS Kalyanpuri.
Mr. Chandrakar Mishra, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **04.09.2019**

1. The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.240/2012, under Section 354 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: Kalyanpuri, Delhi and the proceedings emanating therefrom.

2. The petitioner and his counsel as well as respondent No.2 submitted that the parties have settled their disputes on their own free will, without any force or coercion.

3. Respondent No.2, who is present in Court, has reiterated the aforesaid facts and submitted that since the petitioner has tendered unconditional apology to her and has assured that he shall not indulge in such activities in future, she has now

forgiven him and has no objection to the petition being allowed and the FIR being quashed. Respondent No.2 has filed her affidavit in this regard.

4. Learned counsel for the petitioner submitted that the petitioner is ready and willing to contribute a sum of Rs.2,000/- for some social beneficial cause and deposit the same in any trust or association.

5. The Investigating Officer ('IO'), who is present in Court, has identified the petitioner as well as respondent No.2 and has also verified the settlement.

6. In view of the aforesaid circumstances, the settlement arrived at between the parties and taking into consideration the age and socio-economic background of the petitioner, I deem it appropriate to give him a chance to reform and reintegrate into the society as a productive member. The petitioner is warned to be careful in future and to not indulge in such activities again. Taking into consideration the aforesaid facts and the remorseful attitude of the petitioner, this Court is of the view that no fruitful purpose would be served in keeping the parties entangled in the criminal proceedings. Accordingly, in the interest of justice, FIR No.240/2012, under Section 354 of the IPC, registered at P.S.: Kalyanpuri, Delhi and the proceedings emanating therefrom are quashed, subject to costs of Rs.2,000/- to be paid by the petitioner within 14 days in the Delhi High Court Advocates' Welfare Trust and receipt of the deposit be

filed in the Registry within 21 days. Copy of the receipt shall also be handed over to the APP through the I.O. within 21 days. In case the petitioner fails to deposit the said sum, the prosecution shall be entitled to move an application for passing appropriate orders.

7. The petition is disposed of in the above terms.

SEPTEMBER 04, 2019
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CHANDER SHEKHAR, J.