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

+ CRL.M.C. 5683/2018 & CrI.M.A.35907/2018

GAURAV SABHARWAL Petitioner

Through Mr. Krishan Kumar, Adv. with
the petitioner in person

versus

STATE OF NCT OF DELHI & ANR. Respondents

Through Mr. Mukesh Kumar, APP with
SI Subhash Chandra
R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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17.10.2019

1. The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.611/2016, under Sections 287/337 of the Indian Penal Code, 1860 ('IPC'), registered at P.S.: Samaipur Badli, Delhi and the proceedings emanating therefrom.
2. The petitioner and respondent No.2 as well as learned counsel for the parties submitted that the parties have settled their disputes on their own free will, without any force or coercion as is evident from the order dated 12.4.2018 passed by Metropolitan Magistrate-02 (North), Rohini Courts, Delhi.
3. Respondent No.2, who is present in Court, has reiterated the aforesaid facts and submitted that the petitioner has to pay the balance amount of Rs.20,000/- to her in terms of the settlement arrived at

between the parties. Respondent No.2 further submitted that in case the petitioner makes the payment of the balance amount of Rs.20,000/- to her, she has no objection to the petition being allowed and the FIR being quashed.

4. Petitioner paid a sum of Rs.20,000/- to the respondent No.2 in cash today in the Court. Learned counsel for the petitioner submitted that in view of the payment of the balance amount to the respondent No.2, the present petition may be allowed and the FIR may be quashed.

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. IO stated that no other criminal case is pending against the petitioner.

6. Learned counsel for the petitioner submitted that the petitioner is ready and willing to contribute a sum of Rs.5,000/- for some social beneficial cause in any trust or association.

7. In view of the aforesaid circumstances, the settlement arrived at between the parties and taking into consideration the age, career and socio-economic background of the petitioner, I deem it appropriate to give the petitioner 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 remorseful attitude of the petitioner, this Court is also 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.611/2016, under Sections 287/337 of the IPC, registered at P.S.: Samaipur Badli, Delhi and the proceedings emanating therefrom are quashed subject to cost of Rs.5,000/- to be deposited 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.

8. Petition is disposed of in above terms. Pending application is also disposed of.

CHANDER SHEKHAR, J

OCTOBER 17, 2019/rk