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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1077/2020**

ABDUL AMIN

..... Petitioner

Through: Mr.Haneef Mohammad and
Mr.Ravindra Vikram, Advocates

versus

STATE & ANR.

..... Respondents

Through: Mr.Ashok Kumar Garg, APP for State
With SI Kamini, PS Tughlak Road.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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26.02.2020

Crl.M.A.No. 4268/2020

Exemption allowed, subject to just exceptions.

Crl.M.C. No. 1077/2020

Vide the present petition, the petitioner seeks quashing of FIR No. 88/2018, PS Tuglak Road, registered under Sections 354/506/509/323 of the Indian Penal Code, 1860, on the ground that a settlement has been arrived at between the petitioner and respondent No.2. Along with the petition, an affidavit/NOC of respondent No.2 has been annexed, who is also present in the Court, and verifies the factum of filing of the said affidavit.

As per the prosecution case, the FIR is stated to have been lodged on the complaint of respondent No.2 against the petitioner, alleging that the petitioner had passed remarks against respondent

No.2 and also assaulted her.

Learned APP for the State submits that the chargesheet in the present case has been filed against the petitioner and the respondent No.2 is the only complainant.

Learned counsel for the petitioner submits that the petitioner and the respondent No.2 have settled all their disputes vide a settlement/Memorandum of Understanding dated 21.2.2020 arrived at between the petitioner and respondent No.2 , annexed with the present petition as Annexure P-2.

In terms of the settlement/ Memorandum of Understanding dated 21.2.2020, the petitioner and respondent No.2 have jointly approached this Court seeking quashing of the FIR No. 88/2018, PS Tuglak Road, registered under Sections 354/506/509/323 of the Indian Penal Code, 1860.

The Investigating Officer of the case is present and has identified the petitioner as being the accused arrayed in FIR in question and respondent No.2 as being the complainant of the said FIR.

The Court has interacted with both, i.e., the petitioner and respondent No.2 and the petitioner has expressed his remorse for his conduct and has assured this Court that in future no such incident would be repeated. On the other hand, respondent No.2 confirmed that she has settled the matter with the petitioner voluntarily of her own accord without any duress, pressure or coercion from any quarter. Respondent No.2 further states that she accepts the undertaking given by the petitioner that he would not repeat any such

incident and in the circumstances, respondent No.2 does not oppose the prayer made by the petitioner seeking quashing of the FIR and all consequential proceedings emanating therefrom. The parties shall remain bound by their statements made before this court.

On behalf of the State there is no opposition to the prayer made by the petitioner seeking quashing of the FIR in view of the settlement dated 21.2.2020, arrived at between the petitioner and respondent No.2.

In view of the statement arrived at between the petitioner and respondent No.2 and the non-opposition on behalf of State, it is considered appropriate to put a quietus to the litigation for maintenance of peace and harmony between the petitioner and respondent No.2. However, learned APP for the State has drawn the attention of this Court to the judgment of Hon'ble Supreme Court in ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and Ors. v. State of Gujarat and Anr.***, Criminal Appeal No. 1723/2017 arising out of SLP(Crl) No. 9549 of 2016. It is stated that while Court may exercise its discretion to quash the FIR, having regard to the nature of allegations and also the fact that the parties were known to each other.

Thus, taking into consideration the totality of circumstances, the FIR No. 88/2018, PS Tuglak Road, registered under Sections 354/506/509/323 of the Indian Penal Code, 1860, and all consequential proceedings emanating therefrom are thus quashed, subject to payment of costs of Rs.15,000/- to be paid to the complainant/respondent No.2 by way of a Demand Draft through the Investigating Officer and Rs.3,000/- to be deposited with the Delhi

High Court Legal Services Committee. The receipt evidencing the payment of costs, be filed by the petitioner to this Court as well as with the Investigating Officer.

Copy of the order be given *Dasti*, as prayed.

SANJEEV NARULA, J

FEBRUARY 26, 2020/SV