

\$~12

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

Date of decision: 06.11.2020

+ CRL.M.C. 1822/2020

ASHISH ARORA Petitioner
Through Mr. Nimish Chib, Adv.

versus

STATE & ANR. Respondent
Through Mr. P. L. Sharma, APP for State
SI Manoj, PS Paschim Vihar.
Respondent no.2/complainant in
person

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

1. Vide the present petition, petitioner seeks direction for quashing of FIR No.344/2018 dated 07.08.2018 registered at Police Station Paschim Vihar and consequent proceedings arising therefrom.
2. Notice issued.
3. Notice is accepted by learned APP for State and respondent no.2 present in person through video conferencing and with the consent of counsel for parties, present petition is taken up for final disposal.

4. The present petition is filed on the ground that parties have settled their disputes and respondent No.2 has no objection if the present petition is allowed.

5. Petitioner and respondent no.2 with the intervention of their well wishers and relatives entered into an amicable settlement before the Ld. Family Courts, Tis Hazari Courts, Delhi vide settlement deed dated 23.12.2019 and settled all their disputes amicably.

6. Complainant is present in person and has been identified by SI Manoj of Police Station Paschim Vihar and submits that matter has been settled and she does not wish to prosecute the matter any further.

7. Although, as per the directions of the Hon'ble Supreme Court in ***Parbat Bhai Aahir and Ors. vs. State of Gujrat & Ors.: (AIR 2017 SC 4843)***, the FIR should not be quashed in case of a heinous offence, but when the respondent No.2/complainant herself takes the initiative and makes affidavit before this Court, stating that she made the complaint due to some misunderstanding and now wants to give quietus to the misunderstanding which arose between the petitioner and respondent no.2, in my considered opinion, in such cases, there will be no purpose in continuing with the trial.

Ultimately, if such direction is issued, the result will be of acquittal in favour of the accused, but substantial public time shall be wasted.

8. This Court is conscious about the dictum of the Supreme Court in terms of seriousness of the case, however, keeping in view the amicable settlement between the petitioner with the respondent No.2 and their families, it seems that in the present case, the FIR was registered on the basis of false allegations arising out of misunderstandings between respondent no.2 and petitioner.

9. In view of the submissions made by the respondent No.2 before this Court, the respondent No.2 is liable to be prosecuted. However, keeping in view the fact that the families of both the parties have amicably settled the differences and do not want the minor child to get involved in the proceedings, I hereby refrain from taking any legal action against the respondent No.2.

10. Taking into account the aforesaid facts, this Court is inclined to quash FIR as no useful purpose would be served in prosecuting petitioners any further.

11. FIR No.344/2018 dated 07.08.2018 registered at Police Station Paschim Vihar and consequent proceedings emanating therefrom are quashed.

12. The petition is, accordingly, allowed and disposed of.

13. The order be uploaded on the website forthwith.

(SURESH KUMAR KAIT)
JUDGE

NOVEMBER 06, 2020
ms



नित्यमेव जयते