

\$~22

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

Date of decision: 06th November, 2020

+ CRL.M.C. 1987/2020

MANISH AHUJA & ANR. Petitioners

Through Mr. Manish Ahuja and Mr. Rajal Rai
Dua, Advs.

versus

STATE & ANR. Respondents

Through Mr. Izhar Ahmed, APP for the State
with SI Manoj, PS Paschim Vihar
Mr. Nimish Chhib, Adv. for R-2
with R-2 in person

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

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

CRL. M.A. 14241/2020 (exemption)

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

CRL.M.C.1987/2020

3. Vide the present petition, petitioners seek direction thereby for quashing of FIR No.345/2018 dated 08.08.2018, registered at PS – Paschim Vihar, Delhi and all other proceedings arising therefrom.
4. Notice issued.

5. Notice is accepted by learned APP for State and by learned counsel respondent no.2 and with the consent of counsel for parties, the present petition is taken up for final disposal.

6. 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.

7. Respondent No.2 is personally present in Court with learned counsel and she has been identified by SI Manoj/IO and submits that matter has been settled and she does not wish to prosecute the matter any further.

8. Petitioners and respondent no.2 with the intervention of their well wishers and relatives entered into an amicable settlement in view of settlement deed dated 23.12.2019 before the Counselling Cell, Family Court (West), Tis Hazari Courts, Delhi.

9. 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 affidavits 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 petitioners 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.

10. This Court is conscious about the dictum of the Supreme Court in terms of seriousness of the case, however, keeping in view the relationship between the petitioners 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 the family of respondent no.2 and petitioners.

11. 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.

12. 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.

13. For the reasons afore-recorded, FIR No.345/2018, registered at PS – Paschim Vihar, Delhi and consequent proceedings emanating therefrom are quashed.

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

15. The order be uploaded on the website forthwith.

(SURESH KUMAR KAIT)
JUDGE

NOVEMBER 06, 2020/rk

नित्यमेव जयते