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

+ **CRL.M.C. 3128/2023**

RAJAN

..... Petitioner

Through: Mr. Abhishek Rana and Mr. Rishab Tyagi, Advocates.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Ajay Vikram Singh, APP for the State with SI Shah Faisal, PS New Ashok Nagar.
Ms. Jyoti, Advocate for R-2.

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Date of Decision: 02.05.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 11675/2023

Exemption allowed subject to just exceptions.

CRL.M.C. 3128/2023

1. The present petition has been filed seeking the quashing of case FIR No. 125/2018 dated 23.03.2018 registered under Section 354D IPC registered at PS New Ashok Nagar, Delhi. The FIR was lodged on the statement of Ms. X alleging that the petitioner was stalking her. The charge sheet in the present case has been filed under section 354D IPC before the

CRL.M.C. 3128/2023

Page 1 of 4

Learned MM, Mahila Court, East, KKD Courts, Delhi.

2. Learned Counsel for the petitioner submits that during the proceedings pending before the Ld. MM, Mahila Court, East, KKD Courts, Delhi, the matter was referred to Delhi Mediation Center, Karkardooma Courts, Delhi, for mediation and with the efforts of the mediator and parties, the parties have arrived at an amicable settlement and have entered into the settlement dated 03.02.2023, wherein respondent no.2 has agreed to quash the proceedings pending before the Ld. MM, Mahila Court, East, KKD Courts, Delhi.

3. The settlement dated 03.02.2023 arrived at the Delhi Mediation Centre, Karkardooma Courts, Delhi between the parties has been placed on record and it reads as under:

1. It is agreed between the parties that the complainant does not want to pursue the present matter against the respondent as they have settled the matter amicably.

2. It is further agreed between the parties that for the offence alleged i.e. Section 354-D IPC, they shall seek appropriate relief by way of quashing petition under Section 482 Cr.P.C/plea bargaining/pleading guilty and/or due process of law within 30 days from today."

4. Parties are present in court and have duly been identified by the IO. She states that she has entered into the settlement voluntarily without any force/fear or coercion. She submits that she has no objection if the present FIR is quashed. An affidavit in this regard of respondent no.2 has been placed on record.

5. IO also submits that there is no other case against the petitioner.

6. The inherent power under Section 482 Cr.P.c. is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guidance engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In the case of **Gian Singh v. State of Punjab** (2012) 10 SCC 303, the Supreme Court has observed that in the exercise of its inherent power under Section 482, the High Court can quash FIR/Charge-sheet on the basis of alleged settlement except in cases of rape, murder, dacoity or the cases under the Special Statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc.

7. It has also been repeatedly held that the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. Reliance can be placed upon **Madhavrao Jiwajirao Scindia v. Sambhajirao Chandrojiroo Angre**, (1988) 1 SCC 692.

8. In the present case, it appears from the averments of the affidavit as well as interaction with respondent no.2/ complainant that he is not going to support the case of the prosecution and the possibility of conviction is remote and bleak. In view of the matter, the continuation of the criminal proceedings would be an exercise in futility and it is an abuse of the process of the court. There would be no purpose in continuing with the present proceedings and accordingly, the FIR No. 125/2018 dated 23.03.2018

registered under Section 354D IPC registered at PS New Ashok Nagar, Delhi.

9. The present petition along with the pending application stands disposed of.

MAY 2, 2023/AR

DINESH KUMAR SHARMA, J

