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

+ **CRL.M.C. 3876/2023**

AMIT KUMAR @ ROSHAN

..... Petitioner

Through: Mr. Jogender Kumar and Mr. Sumit,
Advts.

Versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr. Raguvender Verma, APP for
State and SI Rajesh Kumar, PS
DIU/Dwarka.

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Date of Decision: 25.05.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present petition has been filed seeking quashing of case FIR No. 571/2017 registered under section 354/506 IPC registered at PS Dabri.
2. The FIR was lodged by respondent No.2 alleging therein that the petitioner had misbehaved with her and thereafter molested her at her own house as well.
3. Learned Counsel for the petitioner submits that during the pendency of the matter, the parties have amicably resolved their disputes. It has been submitted that with the efforts of the respectable members of the societies,

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the parties have arrived at an amicable settlement and have entered into the MoU dated 17.05.2023. The memorandum of understanding is as under:

“1. That both the parties had mutually decided to get the aforesaid FIR No. 571/17 U/S 354/506/509 IPC PS Dabri quashed from the Hon’ble High Court of Delhi at New Delhi by filling a petition seeking quashing of the same.

2. That the second party undertakes to cooperate in the quashing of the FIR and signing affidavit in support thereof as the first party has already apologized for his act and the second party have forgiven his mistake being. 3. That the first party undertakes to not to interfere the peaceful life of the Second party in any manner in future.

4. That the parties have settled the aforesaid case with their own sweet will and without any sort of coercion, duress, force, pressure or undue influence.

5. That both parties agree to be bound by the aforesaid terms and cooperate with each other to get the aforesaid FIR quashed.”

4. Parties are present in court and have duly been identified by the IO. Respondent No.2 states that they were neighbors and now the petitioner have shifted the place from where he is residing which is the locality where respondent No.2 is residing. She has pardoned the petitioner and now wants to settle the matter amicably and 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. 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.

6. 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

7. 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. 571/2017 registered under section



354/506 IPC registered at PS Dabri.

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

DINESH KUMAR SHARMA, J

MAY 25, 2023/AR

