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

+ **CRL.M.C. 4648/2023 & CRL.M.A. 17735/2023**

SHYAM KISHORE SINGH Petitioner

Through: **Mr. Ajay Kumar, Adv.**

versus

GOVT. OF NCT OF DELHI & ORS. Respondents

Through: **Mr. Digam Singh Dagar, APP**

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Date of Decision: 11.07.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 17734/2023

Exemption allowed subject to just exceptions.

CRL.M.C. 4648/2023

1. The present petition has been filed seeking under section 482 Cr.P.C seeking quashing of case FIR No. 128/2014 under Section 354/323 IPC registered at P.S. Yamuna Depot, district: Railway and Metro.
2. The briefly stated facts of the case are that a FIR was lodged on the statement of Ms. Kanchan D/O Suresh Chand wherein she alleged that while she and her sister were going home through metro and while boarding the metro one boy started scuffling with them and also started to pull their hair and collar. It is alleged that the petitioner also

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molested the respondent.

3. It has been stated that the charge-sheet has already been filed.
4. However, both the parties state that they have reached on a settlement/Memo of understanding on 02.06.2023 with the following terms and conditions:

“1. That on 19.07.2014, upon allegation of the first parties an F.I.R. bearing no. 128/2014 with P.S: Yamuna Depot, Dist.: Railway and Metro under section 354, 323IPC was registered against the second party. The trial of the above numbered F.L.R. is going on before the Hon'ble Court of Ms.Shruti Chaudhary, M.M, East, Delhi and Now the same is fixed for evidence of the first parties.

2. That by the intervention of the elders of the society and also their kith and kin, all the parties has settled their all disputes and the First parties willingly and without any pressure, force and coercion of any nature have become ready to withdraw all her allegations leveled against the Second parties.

3. That without prejudice to the right, defense of the second party before the Trial court and contention, the second party has agreed to make a payment of Rs. 1,50,000/-(Rupees one lakh Fifty thousand only) to the first parties in total and out of that Rs. 20,000/- (Rs. Twenty thousand has been paid on 4th of July 2023 at the time of signing the documents and rest of the money will be paid before the Hon'ble High court.

4. That both the parties have entered into this Memo of Understanding with their own choice and willingness. The first parties and second party have appended their signature and thumb impression herewith after understanding draft of this MEMO OF UNDERSTANDING/AGREEMENT in their vernacular language. All the parties have consented herewith without



force and coercion of any nature.”

5. As per the terms of settlement a total sum of Rs. 1,50,000 has to be paid to the respondent as full and final settlement of the case has already been paid to the Respondent.
6. IO is present in the court today and has duly identified the parties.
7. The complainant and Ms. K. have also filed an affidavit which states that they are making the statement voluntarily without any fear, force or coercion. It is also stated that complainant has entered into settlement amicably and does not want to continue with the present petition and FIR No. 128/2014 under Section 354/323 IPC registered at P.S. Yamuna Depot, district: Railway and Metro and proceeding emanating therefrom be quashed.
8. Section 482 Cr.P.C. pre-supposes three circumstances under which the inherent jurisdiction may be exercised, i.e., (i) to give effect to an order (ii) to prevent the abuse of the process of court and (iii) to otherwise secure the ends of justice. The court while exercising the power under Section 482 Cr.P.C. does not function as a court of appeal or revision. The powers under Section 482 Cr.P.C., are of wide plenitude but have to be exercised sparingly with caution and only in the event when aforesaid three conditions are satisfied. The object behind the exercise of such power should be to do real and substantial justice for the administration of which the courts exist.
9. It has been repeatedly held by the Hon‘ble Supreme Court and this court that when the chances of an ultimate conviction are bleak



and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, and where the court may be of the opinion that a settlement between the parties would lead to better relations between them, the court may exercise power under section 482 CrPC for quashing the proceedings or the complaint or the FIR as the case may be.

10. I consider that there would be no purpose of continuing with the proceedings. The parties have amicably settled the matter. In the view of the above stated facts and circumstances, FIR No. 128/2014 under Section 354/323 IPC registered at P.S. Yamuna Depot, district: Railway and Metro and all the other proceeding emanating therefrom are Quashed.
11. The present petition along with pending application stands disposed of.

DINESH KUMAR SHARMA, J

JULY 11, 2023/AR

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