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

+ **W.P.(CRL) 2058/2023**

NIDHI SHARMA

..... Petitioner

Through: **MrPramod Singh, Adv.**

Versus

THE STATE (GOVT. OF NCT OF DELHI) AND ORS..Respondents

Through: **Mr. Sanjeev Bhandari, ASC with Mr. Kunal Mittal, Mr. SaurabhTanwar, Adv. for State with SI NeetuBist, PS Vasant Kunj, North. Mr. Pankaj Kumar, Adv. for R-2 with R-2 in person**

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Date of Decision: 24th July, 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. 19090/2023 (exemption)

Exemption is allowed subject to all just exceptions.

Disposed of.

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1. The present petition has been filed under Section 482 Cr. PC seeking quashing of FIR No. 135/2023 u/s 420/468/471 IPC, registered at PS Vasant Kunj (North), on the basis of settlement.
2. The complainant is 73 years of age and he alleged in the FIR that the petitioner joined her as employee. During the course of the employment, she had been requesting for help. The complainant stated he being compassionate acceded to the request of the petitioner on several occasions. The complainant submits that thereafter the petitioner insisted for marriage and the complainant herein fearing damage to his reputation agreed to the same. However, during the course of the registration of marriage, it transpired that the petitioner was already married to one Mr. Sarfaraz Ahmed Khan @ Nonu Khan.
3. It has been submitted that subsequently during the pendency of the proceeding in the trial court, both parties arrived at a settlement vide a memorandum of understanding dated 01.07.2023 on the following terms& Conditions:

“Whereas the first party had already joined the investigation and during the investigation both the parties had settled their dispute with their own freewill and consent without any force, coercion or undue influence.

Whereas it is agreed between the parties that the second party will cooperate to the first party for quashing of the aforesaid FIR before the Hon'ble High Court of Delhi at New Delhi.



Whereas it has been agreed between both the parties that the second party will not raise any claim against the first party in future as mentioned in the aforesaid FIR.

Whereas it is also agreed between the parties that in future both the parties will not initiate any action against each other in respect of the present FIR and if any party do the same, the same will be treated as null and void.

Whereas it is agreed between the parties that the present settlement deed has been made without any pressure, coercion, under influence and threat and same has been explained in vernacular.”

4. Learned counsel for petitioner submits that since the parties have amicably resolved all the disputes between them, thus no useful purpose will be served by continuing with the present complaint.
5. The parties are present and have been duly identified by the IO. Respondents No. 2/complainant submits that he has amicably settled all the disputes with the petitioner and want to put a quietus to the same. Complainant has stated that he has amicably settled with the petitioner out of his own free will, without any threat, fear, force, or coercion. Complainant further submits that in view of his health condition and due to the attendant circumstances, he does not want to pursue the present FIR and all consequent proceedings emanating therefrom are quashed.
6. Learned ASC submits that this trend of lodging of the FIR and thencoming for the quashing on the basis of settlement is increasing



and therefore an appropriate direction may be issued.

7. Learned ASC further submitted that another FIR No. 280/2023 PS Paharganj u/s 323/341 of IPC has also been lodged. Both the counsel for the parties confirmed that FIR No. 280/2023 PS Paharganj under Section 323/341 IPC has also been settled & quashed.
8. I have considered the submissions.
9. Let a sum of Rs. 50,000/- be deposited by the respondent No.2 in the Advocates' Welfare Fund, High Court of Delhi.
10. IO is directed to ensure that compliance be made.
11. Considering the totality of facts and circumstances of the case and in view of the statement of the respondent No.2, the FIR No. 135/2023 registered at PS Vasant Kunj (North) and all criminal proceedings emanating therefrom are quashed.

DINESH KUMAR SHARMA, J

JULY 24, 2023

Pallavi