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

+ **CRL.M.C. 5145/2023 & CRL.M.A. 19533/2023**

SHASHANK JAIN & ANR.

..... Petitioners

Through: Mr. K. K. Sharma and Mr. Mohit
Sharma, Advs. with P-1 &2.

versus

STATE & ANR.

..... Respondents

Through: Mr. Amit Sahni, APP for State and SI
Annu, PS Hauz Khas.

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Date of Decision: 26.07.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 19532/2023

Exemption allowed subject to just exceptions.

Application stands disposed of.

CRL.M.C. 5145/2023

1. The present petition has been filed seeking quashing of criminal case no. 2038897/2022 arising from FIR No. 341/2015 under Sections 323/354/354B/34 IPC registered at PS Hauz Khas and all other consequent proceedings emanating therefrom. The said FIR was lodged at the instance of the respondent No.2/complainant against the

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petitioner alleging therein that the petitioners physically assaulted her and her son and also outraged her modesty.

2. Briefly stated the facts of the case as per the FIR are that the respondent no.2 and the petitioners are neighbours since many years. On 15.06.2014, around 2 P.M., a technician of Tikona internet service entered the house of respondent no.2. However, her son saw the stranger and assumed him to be a thief as he had never seen him before, and therefore, tried to grab hold of him but to no avail. Consequently, their neighbours, i.e. the present petitioners allegedly called her son outside their house and engaged in a physical altercation. When the respondent no.2 attempted to put a stop to the fight, the petitioner allegedly punched her and tore her blouse; thereby, outraging her modesty. On the basis of the above complaint, the present FIR came to be registered.
3. However, due to intervention of relatives, friends and renowned personalities, the dispute between the parties has been settled amicably vide compromise deed date 12.09.2022 on the following terms and conditions:

“It is agreed between the First Party and the Second Party that in order to resolve the litigation, the First Party has no objection for quashing of the FIR bearing number 341 of 2015 at PS Hauz Khas under Section 323 / 354 / 354B / 34 IPC registered against the Second Party before the Hon’ble High Court of Delhi and to make the Statement before any other Court to resolve this dispute.

That the First Party shall withdraw unconditionally all the complaints filed by her against the Second Party or their



family member in any court of law, if any.

That the Smt. Pramila Jain, wife of Rakesh Jain Second Party No. 2 and Mother of Shashank Jain i.e. Second Party No. 1 has already withdrawn the Criminal Complaint Case bearing number Cr.Case / 11886 / 2019 filed by them against the First Party and her family member from the Hon'ble Court of Ld. MM — 02 (South), Saket Courts vide Order dated 30.08.2022.

That the First Party and Second Party shall not file any case / complaint / in any Civil as well as Criminal Court against each other concerning the above matter after the date of execution of this Settlement Deed."

4. The parties are present and have been duly identified by the IO.
5. 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 Cr.P.C. for quashing the proceedings or the complaint or the FIR as the case may be.
6. I consider that there would be no purpose of continuing with the proceedings and do not see any reason to reject the settlement.
7. Taking into the account the totality of facts and circumstances; the present criminal case no. 2038897/2022 arising from FIR No. 341/2015 under Sections 323/354/354B/34 IPC registered at PS Hauz Khas and all other consequent proceedings emanating therefrom
8. The present petitions stand disposed of.



JULY 26, 2023/AR

DINESH KUMAR SHARMA, J

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