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

+ CRL.M.C. 4904/2022

SHRI PRIYASH @ PRIYANSH

..... Petitioner

Through: Mr. Rahul Kumar, Adv.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR..... Respondent

Through: Mr. Digam Singh Dagar, APP for the
State with IO Soni Lal, PS Rajender
Nagar.

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Date of Decision: 10th April, 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 under Section 482 Cr.P.C. has been moved by the petitioner seeking quashing of case FIR No. 189/2019 dated 19.12.2019 registered under Section 354D IPC at PS Rajinder Nagar, Delhi.

2. The said FIR was lodged on the complaint of respondent No. 2/complainant wherein she alleged that the while she was preparing for civil services at Vajiram and Ravi Institute, Old Rajinder Nagar, the petitioner, who was also studying at the same institute and in the same class as her, was stalking her and troubling her for the past six months. It has been alleged

that on 01.08.2019 the complainant called the PCR, following which the petitioner tendered a written apology which was accepted by the complainant, and she did not proceed with the complaint. It has been alleged that however thereafter, the petitioner started troubling her more every day and forcefully tried to talk to her. It has been alleged that the petitioner somehow got the complainant's mobile number and sent her unpleasant messages. It has been alleged that one day prior to the lodging of the FIR the petitioner in an attempt to stop the complainant tried to snatch her bag. Aggrieved, the complainant filed the said complaint, basis which the present FIR came to be registered under Section 354D IPC at PS Rajinder Nagar against the petitioner. It has been submitted that the Chargesheet has been filed and charges have been framed against the petitioner by the learned Trial Court under section 354D, IPC.

3. Learned counsel submits that while the proceedings were underway, the parties amicably settled the dispute vide MoU/Compromise Deed dated 06.08.2022 on the following terms and conditions:

“1. That the parties undertake to maintain peace and harmony among each other and undertake to live without disturbing the other hereon.

2. That the parties undertake to be present before the Hon'ble High Court of Delhi at New Delhi to give the statement of "NO OBJECTION" at the time that the quashing petition to quash the aforesaid two FIR is presented before the Hon'ble Court.

3. That the terms and conditions of the present Compromise Deed are binding on the parties.

4. That the parties have signed the present Compromise Deed without any force, undue influence or threat and out of their own free will with sound disposing state of mind.

5. That the contents of the present Compromise Deed have been explained to the parties in vernacular.”

4. The parties are present in the person and have been duly identified by the IO. Respondent No. 2/complainant states that she has voluntarily settled the matter without any fear, undue influence or coercion and further states that she no longer wishes to pursue the present complaint. She has stated that she wants to move on with her life and wants to put a quietus to the dispute. She has stated that on account of MoU/Compromise deed dated 06.08.2022 arrived at between her and the petitioner, she has no objection if the present FIR and all consequent proceedings emanating therefrom are quashed. An affidavit of no objection to this effect has also been filed along with present petition. The compromise deed dated 06.08.2022 has been placed on record. The petitioner has rendered an unconditional apology to the complainant.

5. It has been held in a catena of judgements of the Supreme Court as well as this Court that the High Court has the inherent power to quash criminal proceedings even in those cases which are not compoundable. Such power is to be used sparingly with caution and circumspection. It is imperative that while exercising such inherent power, the High Court must examine as to whether the possibility of conviction is remote and bleak and whether continuation of criminal proceedings would put the accused to great

oppression and prejudice. Section 482 Cr.P.C. preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. Thus, while adjudicating whether a FIR or criminal proceeding is liable to be quashed, the High Courts must evaluate and weigh if the ends of justice would be served and justify the exercise of such inherent power.

6. In the present case, the FIR is of the year 2019. Chargesheet has been filed and charges are stated to have been framed. However, since the respondent No.2/complainant has stated that she does not want to proceed with the present complaint, there is remote chances of conviction. The incident happened when both the petitioner and the respondent No.2/complainant were students. Now the respondent No.2/complainant has stated that she wants to move on with her life and wants to put a quietus to the complaint. She has stated that she no longer wishes to pursue the present complaint and has no objections if the present FIR and the criminal proceedings emanating therefrom are quashed. I consider that in such an eventuality, there would almost be no chances of conviction. Since the complainant does not wish to pursue the present complaint and the parties have voluntarily reached at an amicable settlement. This court considers that to prevent the abuse of the process of the court and to secure the ends of justice, it would be desirable if the present FIR and consequent proceedings are quashed.

7. Taking into account the totality of facts and circumstances of the case and in view of the statement of the respondent no.2/complainant, the case FIR No. 189/2019 dated 19.12.2019 registered under Section 354D IPC, at

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PS Rajinder Nagar, Delhi, and all criminal proceedings emanating therefrom are quashed.

8. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

APRIL 10, 2023

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