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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 5080/2022

NARESH GULIYA @ NARESH SINGH Petitioner

Through: Mr.Anil Tomar, Adv.

versus

THE STATE GOVT OF NCT OF DELHI & ANR

...Respondents

Through: Mr. Hemant Mehla, APP for the
State with SI Wikhon Pamai, PS
Malviya Ngar.

Mr. Pravesh Singhal, Adv. for R-
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Date of Decision: 25th April, 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. 20294/2022

Exemption allowed subject to just exceptions.

CRL.M.C. 5080/2022

1. This is a petition filed under Section 482 of Cr.P.C. for quashing of

FIR No. 360/2019, dated 02.12.2019, registered under sections 354/509/506 Indian Penal Code, 1860, at PS Malviya Nagar and all consequential proceedings emanating therefrom.

2. Briefly stated facts of the case are that the above-mentioned FIR was lodged on the statement of respondent No. 2 alleging therein that the petitioner herein has sexual harassed her on several occasions. It is alleged that the Petitioner herein has made threats to her of picking her up from her house, has abused her and made dirty gestures to her.
3. However, it is submitted that now the parties have reached at a settlement vide settlement deed dated 22.04.2022. The same has been placed on record.
4. The terms and conditions of the compromise/settlement dated 22.04.2022 are as follows-

“1. That the First Party undertakes that she shall filed an application to not to proceed her complaint dated 3.8.21 before the Police Station Malviya Nagar and further undertakes to make a statement to withdrawn her complaint dated 3.8.21 if required.

2. That the second party undertakes to file quashing petition U/s 482 Cr.P.C. before the Hon’ble High court of New Delhi for quashing the FIR no. 360/2019 dated 02.12.2019 under section 354/509/506 IPC registered with Police station Malviya Nagar and first party undertakes to file no objection or affidavit stating that she has no objection if the present FIR no. 360/2019 dated 02.12.2019 under section 354/509/506 IPC registered with Police station Malviya Nagar may be quashed. It is mutually

undertaken that the First Parties would present themselves at the time of Court hearing to make requisite statements for withdrawal/compromise/ quashing of the proceedings in the above noted case.

3. That the both parties undertake that they shall not raise any claim or make any complaints against each other.

4. That the parties have also mutually settled that the complaint/petition, if any, filed by either party shall also stand withdrawn/compromised leaving the parties to lead their lives in the manner they chose so & no future claim would be raised by either party thereafter and all disputes/claims/complaints shall stand compromised fully and finally.”

5. Complainant is present in the Court and submits that the petitioner is a member of her close family and with the intervention of the elders, she has reached on the settlement voluntarily without any fear, force and coercion.

6. It has been repeatedly held by the Apex 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.

7. However, though this court does not encourage such trend of getting FIR lodged with such allegations and then approaching the judicial

system for getting the same quashed as it not only burdens the judicial system but also sends out a wrong message. But the facts of this case are peculiar in nature as the parties are closely related to each other. The Court considers that in such circumstances further continuance of these proceedings will further damage the close relations.

8. In the view of the above facts and circumstances the case FIR No. 360/2019, dated 02.12.2019, registered under sections 354/509/506 Indian Penal Code, 1860, at PS Malviya Nagar and all consequential proceedings emanating therefrom is quashed subject to the cost of Rs.30,000/- to be deposited within four weeks with the DLSA.
9. The present petition is disposed of.

DINESH KUMAR SHARMA, J

APRIL 25, 2023/Pallavi

न्यायमेव जयते