



\$~21

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

+ **CRL.M.C. 5649/2022**

JANNAT ANSARI

..... Petitioner

Through: Mr. M.S. Reza, Ms. Fauzia, Mr. Haneef Mohd., Mr. Shivdeep Tripathi, Advs. with petitioner in person.

versus

THE STATE & ANR.

..... Respondents

Through: Ms. Subhi Gupta, APP for the State with Shantanu, PS Amar Colony with Mr. Vinod Kumar and Mr. Arun Kumar Kaushik, Advs. for R-2 with R-2 in person.

%

Date of Decision: 5th 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. 22285/2022 (delay)

1. The present application has been moved seeking condonation of delay of 160 days in refilling the present petition.

CRL.M.C. 5649/2022

Page 1 of 4



2. For the reasons stated in the application, the delay of 160 days in refilling the present petition is condoned. Accordingly, the present application is allowed.

CRL.M.C. 5649/2022

3. The present petition has been filed under Section 482 Cr. PC seeking quashing of FIR No. 782/2015 registered at PS Amar Colony under Sections 354(A)(1)/354(D)/506 IPC.
4. Briefly stated facts of the case are that FIR was lodged on the statement of the prosecutrix itself. In the FIR it has been alleged that the petitioner–Jannat Ansari had been following her and had also caught her hand. It has also been alleged that petitioner also used attempt to kidnap her.
5. Learned counsel for the petitioner submits that the parties are closely related to each other and now amicably settled the matter vide MoU dated 20.04.2021 on the following terms and conditions:

1. That the amicable settlement between both the parties is without any kind of pressure, coercion or threat from any quarter whatsoever and after the amicable settlement, both the parties are maintaining cordial relations and they undertake to maintain the same in future also.

2. That since the matter has been resolved amicably, as such it has been agreed between both the parties that the second party shall approach the Hon'ble High Court of Delhi for quashing of the present FIR and consequential proceeding thereof, pending against him in the trial Court concerned.



3. That it has been mutually agreed that for the purpose of getting the above said FIR quashed, the first party shall fully cooperate with the second party by supplying and signing all the required documents as well as by appearing before the Hon'ble High Court of Delhi for the purpose of giving statement to the effect of amicable settlement and No Objection for quashing of F.I.R..

6. Learned APP for the State has raised the objection to the quashing of the FIR as provisions of POCSO is also attributed.
7. Respondent No.2 is present in person and states that she has entered into the settlement voluntarily out of her own free will without any fear force or coercion and she has no objection if the present proceedings are quashed.
8. Parties have been duly identified by the IO
9. I have interacted with respondent No.2, she states that now she has since been married and lives in Bihar. Respondent No. 2 states that she wants to settle the matter amicably voluntarily without fear, force or coercion. The cases pertaining to offences under the POCSO act have been quashed by the coordinate benches of this court. Reliance has been placed on the order dated 24.04.2019 in **Yogesh Kumar Gupta vs State**, W.P. (Crl.) 3281/2018; order dated 02.12.2021 in **Rohit Kumar vs. The State of NCT of Delhi and Anr.**, CRL. M.C. 3096/2021; order dated 21.02.2022 in **Kundan & Anr. Vs. State & Ors.**, CRL.M.C. 27/2022.
10. The dispute between the parties have been settled and the continuance



of the FIR No. 782/2015 would serve no useful purpose and may cause prejudice to the petitioner and be an exercise in futility. The chances of conviction would also be bleak and remote, given the parties do not wish to pursue the present complaint. I do not see any reason to reject the settlement. It is better to put a quietus to the dispute in view of the settlement deed arrived at between the parties voluntarily without any force, fear and coercion.

11. Taking into account the peculiar facts and circumstances of the present case and to prevent the abuse of the power of the Court and to secure the ends of justice this court deems it fit to quash the FIR No 782/2015 and the criminal proceedings emanating therefrom.

12. Accordingly, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

JULY 5, 2023

Pallavi

मात्यमेव जयते