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

+ **CRL.M.C. 6371/2022**

RAKESH BHATIA

..... Petitioner

Through: Mr. K. K. Manan, Senior Advocate
with Mr. Gaurav Kochhar, Ms. Udit
Bali, Ms. Komal Vashisht and Ms.
Saumya, Advocates.

versus

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

..... Respondents

Through: Mr. Hemant Mehla, APP for the State
with Mr. Dipanshu Meena, Advocate
and ASI Chander Parkash, PS Khajuri
Khas.
Mr. Dollar Jain and Mr. Nitin Arora,
Advocates.

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Date of Decision: 08.05.2023.

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 has been filed seeking quashing of case FIR No. 0101/2019 registered under Section 354A IPC and Section 8 of POCSO Act registered at PS Khajuri Khas, Delhi.
2. The present FIR was lodged on the statement of Mr. Suresh Kumar Sharma, father of the children/victim. In the FIR it was alleged that the

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petitioner who is a shopkeeper called the daughters of the complainant at his shop and molested them. After investigation, the charge sheet was filed under Section 344A/354A IPC and Section 8/10 of the POSCO Act.

3. Sh. K. K. Manan, learned senior counsel submits that the present FIR was lodged under some misunderstanding and with the intervention of some family members and well-wishers, the parties have reached at a settlement on the following terms and conditions:-

1. *“That due to the intervention of the family members and relatives, the dispute has been settled amicably between both the parties.*
2. *That the second party does not want to proceed further with the present case against the first party in any manner.*
3. *That as a result of the amicable settlement between the parties no useful purpose will be served in continuation of the litigation between the parties and, further, the second party i.e., the complainant has no objection in case this Hon’ble Court quashes the F.I.R. No. 0101/2019 U/S 354A IPC and 8 of Protection of Children from Sexual Offence Act, 2012 P.S. Khajuri Khas, Delhi and all other proceedings arising therefrom*
4. *That the present compromise deed has been executed between both the parties out of their free will consent and without any undue pressure, influence, coercion etc.*
5. *That both the parties have decided to withdraw all the litigations pending between them and undertakes to live peacefully with each other in future.*
6. *That both the parties undertake to abide by the present compromise deed and will not take any action against each other as they are ready to withdraw all the litigants pending between them of any kind.*
7. *That the second party shall cooperate to the first party in quashing of the above mentioned FIR and the other proceedings arising out*

from the said FIR before the Hon'ble Court of Delhi as well as for the district court.

8. *That both the parties shall not claim any kind of proceeding or litigation against each other in future."*

4. The parties are present in court and have duly been identified by the IO. The mother of the victim states that FIR was lodged due to some misunderstanding and they have entered into a settlement voluntarily without any fear, force or coercion. I have also interacted with the children and do not find them under compulsion or intimidation.

5. The power of the Court to quash criminal proceedings on the ground of a settlement has been considered by the Supreme Court in a number of cases. While emphasizing that the exercise of the power under Section 482 of the Cr.P.C. in a particular case would depend upon the facts and circumstances of the case, and no hard and fast categorization is possible, the Supreme Court in *Gian Singh vs. State of Punjab and Another* (2012) 10 SCC 303 observed that when the wrong is basically to the victim and the quashing of criminal proceedings in such a case may be appropriate even if the offences have not been made compoundable. Similarly, the guidelines laid down in *Narinder Singh and Others vs. State of Punjab and Another* (2014) 6 SCC 466 contemplate that FIRs in cases where there is/was a pre-existing familial or other personal relationship between the parties may be considered in this context. Such proceedings can be quashed if it would meet the ends of justice or prevent the abuse of the process of the Court.

6. As far as the charge under Section 8/10 of the POCSO Act is concerned, the same has been quashed on grounds of compromise in several orders of this Court, where the facts and circumstances so require. Several

such orders have been cited, including *Sh. Kailash Jha vs. The State NCT of Delhi and Another* [order dated 21.04.2022 in CRL.M.C. 3291/2021], *Nadeem Ahmad and Others vs. The State NCT of Delhi and Another* [order dated 17.12.2021 in W.P.(CRL) 390/2022] and *Lal Babu Pandey vs. The State (NCT of Delhi) and Another* [order dated 06.03.2020 in CRL.M.C. 1324/2020]

7. In the facts and circumstances of the present case, I am of the view that this discretion may be exercised in the petitioners' favour. It appears that the parties had some misunderstanding, as a result of which the subject FIR came to be registered. As the parties are neighbors, the pendency of the criminal proceedings also has the potential of hindering the process of restoring peace. The parties have entered into a voluntary settlement, and the likelihood of conviction is also much diminished. In these circumstances, I am of the view that no useful purpose would be served in keeping the criminal proceedings pending and it would be in the interest of justice to quash the FIR at this stage.

8. In view of the above, FIR No. 0101/2019 registered under Section 354A IPC and Section 8 of POCSO Act registered at PS Khajuri Khas, Delhi

9. The present petition along with the pending application stands disposed of.

DINESH KUMAR SHARMA, J

MAY 8, 2023/AR

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