



2024:DHC:5299



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 18.07.2024

+ CRL.M.C.2485/2021

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..... Petitioner

Through: Mr. Shiv Nath Sawhney and Mr. Rohit Bhardwaj, Advocates with Petitioner in-person.

versus

STATE & ORS.

..... Respondents

Through: Ms. Kiran Biarwa, APP for State with SI Deepak Sahu, PS: Pul Prahladpur.
Ms. Tanya Agarwal, Mr. Gaurav Kalra, Ms. Shrishti Bhatia, Ms. Sunaina Bhatia, Ms. Kirti Gupta and Ms. Mehak Gupta, Advocates for R-2 & R-3 with R-2 & R-3 through VC.

CORAM:**HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

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J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)**

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for quashing of FIR No. 0090/2014, under Sections 354A/354D/509 IPC and Section 8 of POCSO Act, registered at P.S.: Pul Prahladpur.
2. In brief, as per the case of the prosecution, present FIR was registered on 03.03.2014, on complaint of respondent No. 2, aged about 16 years, who alleged that while she was coming from school along with her sister 'R', an obnoxious comment was made by the petitioner, who was driving motorcycle No. DL8CB8050. The sister of respondent No. 2 ignored him but



petitioner followed her, pulled her hand and abused her. FIR was accordingly registered under Sections 354A/354D/509 IPC.

3. Learned counsel for petitioner submits that petitioner was aged just above 18 years at the time of incident and has clean past antecedents. He further submits that the matter has been amicably settled with respondent No.2 & 3 who are major, in terms of compromise deed dated 07.04.2024. Reliance is also placed upon *Rakesh Bhatia vs. State (Govt. of NCT of Delhi) and Others*, 2023 SCC OnLine Del 3385.

4. Learned APP for the State submits that in view of amicable settlement between the parties, she has no objection in case the FIR in question is quashed.

5. Petitioner in the present case seeks to invoke the powers under Section 482 of the Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of Court. In which cases, the power to quash the criminal proceedings or the complaint or FIR may be used when the offender as well as victim have settled their dispute, would depend upon the facts and circumstances of each case and no generalized list or categories can be prescribed. However, the Court is required to give due regard to the nature and gravity of the offence and consider the impact on the society.

6. It may also be observed that heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot be appropriately quashed despite settlement. However, distinguished from serious offences, the offences which have predominant element of civil dispute or offences involving minor incidents, where the complainant / victim also stands compensated for loss, if any, stand on a different footing,



so far as exercise of inherent powers under Section 482 Cr.P.C. is concerned. The High Court also is not foreclosed from examining as to whether there exists material for incorporation of such an offence or as to whether there is sufficient evidence which if proved would lead to proving the charge for the offence charged with. It may also be assessed, if in view of compromise between the parties, the possibility of conviction in such a case is remote and whether continuation of proceedings would cause grave oppression and prejudice the accused.

7. In ***Rakesh Bhatia vs. State*** (*supra*) relying upon ***Sh. Kailash Jha vs. The State NCT of Delhi***, order dated 21.04.2022 in CRL.M.C. 3291/2021, ***Nadeem Ahmad vs. The State NCT of Delhi***, order dated 17.12.2021 in W.P.(CRL) 390/2021 and ***Lal Babu Pandey vs. The State (NCT of Delhi)***, order dated 06.03.2020 in CRL.M.C. 1324/2020, proceedings under Sections 8/10 of POCSO Act were quashed. The observations in paragraphs 6 and 7 in ***Rakesh Bhatia vs. State*** (*supra*) may be beneficially reproduced for reference:

“6. 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 v. State of Punjab, (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 v. State of Punjab, (2014) 6 SCC 466 contemplate that FIRs in cases where there is/was a preexisting 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.

7. 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 v. The State NCT of Delhi [order dated 21.04.2022 in CRL.M.C. 3291/2021], Nadeem Ahmad v. The State NCT of Delhi [order dated 17.12.2021 in W.P.(CRL) 390/2022] and Lal Babu Pandey v. The State (NCT of Delhi) [order dated 06.03.2020 in CRL.M.C. 1324/2020].”

8. Petitioner in person and respondent Nos. 2 & 3 through VC, have been identified by SI Deepak Sahu, P.S.: Pul Prahladpur. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent Nos. 2 & 3 submit that since all the disputes between the parties have been amicably settled, they have no further grievance in this regard and have no objection in case FIR in question is quashed.

9. Petitioner and respondents Nos. 2 & 3 intend to put quietus to the proceedings arising out of unfortunate incident, which took place about 10 years ago. The settlement shall promote harmony between the parties and permit them to move forward in life. Also the chances of conviction are bleak in view of amicable settlement between the parties. Further, no past involvement of the petitioner has been brought to the notice of this Court.

10. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. Continuation of proceedings would be nothing but an abuse of the process of Court. Consequently, FIR No. 0090/2014, under



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Sections 354A/354D/509 IPC and Section 8 of POCSO Act, registered at PS: Pul Prahladpur and proceedings emanating therefrom stand quashed.

11. In the facts and circumstances, instead of imposing the costs upon the petitioner, he is directed to plant 10 saplings of trees, which are upto 03 feet in height in the area of Ranjit Nagar after getting in touch with the competent authority (i.e. Horticulture Department of MCD / DDA/ Conservator of Forests, Department of Forests & Wildlife, Govt. of NCT of Delhi) through IO / SHO, P.S.: Ranjit Nagar. The photographs of planted saplings alongwith report of IO / SHO concerned shall be forwarded to this Court within eight weeks. Further, the upkeep of the saplings/trees shall be undertaken by the authorities concerned. In case of non compliance of directions for planting of trees, the petitioner shall be liable to deposit cost of Rs. 10,000/- with the Delhi State Legal Services Authority.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

JULY 18, 2024/R