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

+ **CRL.M.C. 1769/2023**

INDU & ANR.

.....Petitioners

Through: Mr. Girish Kumar, Advocate

versus

**THE STATE NCT OF DELHI THROUGH SHO PS VIKAS PURI &
ANR.**

.....Respondents

Through: Mr.Satish Kumar, APP for the State
alongwith SI Damini, PS Vikaspuri.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

01.10.2024

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter “Cr.P.C.”) (now Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023), has been filed on behalf of the petitioners seeking quashing of FIR bearing No. 266/2022 registered at Police Station Vikas Puri, New Delhi, for offences punishable under Section 21 of Protection of Children from Sexual Offences Act, 2012 (hereinafter “POCSO Act”) read with Section 34 of the Indian Penal Code (hereinafter “IPC”).

2. The petitioners are present before this Court and have been identified by their counsel Mr. Girish Kumar and Investigating Officer SI Damini, Police Station Vikas Puri. The respondent No.2/prosecutrix is also present in the Court and has been identified by her counsel and the Investigating Officer.

3. On the query made by this Court, the respondent No.2/prosecutrix has categorically stated that she has entered into compromise on her own free



will and without any pressure. It is also stated by the respondent No.2/prosecutrix that the entire dispute has been amicably settled between the parties as the respondent No.2/prosecutrix is residing with the petitioners No.1 and 2 now, i.e. her mother and her maternal grandmother, who are taking care of the needs and necessities of her livelihood, after being separated from her husband.

4. The brief facts of the case are that the petitioners no. 1 and 2 are the mother and grandmother of the respondent no.2/ prosecutrix, respectively. On 28th March, 2022, aforesaid FIR was registered and accordingly, chargesheet was filed against the petitioners herein. Subsequently, charges under Section 21 of the POCSO Act and Section 34 of the IPC were framed against the petitioners.

5. With the intervention of family members and relatives, both the parties entered into settlement on 3rd March, 2023. The terms and conditions of the said settlement are mentioned in the settlement deed which is annexed as Annexure-D to the petition.

6. In view of the above, it is prayed by the learned counsel appearing on behalf of the parties that the instant FIR may be quashed on the basis of the compromise as per the Judgment of the Hon'ble Supreme Court passed in ***Gian Singh vs. State of Punjab, (2012) 10 SCC 303.***

7. Mr.Satish Kumar, learned APP for the State vehemently opposed the prayer made by the petitioners seeking quashing of the FIR in question in view of the settlement arrived at between the parties, submitting to the effect that the aforesaid FIR was registered under Section 21 of POCSO Act, which is a serious and non-compoundable offence. Thus, the FIR in question may not be quashed.



8. Heard learned counsel for the parties and perused the material placed on record.

9. In the instant case, it is observed that the petitioners herein are charged with Section 21 of the POCSO Act, which is a non-compoundable offence. However, it is also taken into account that the parties herein have reached at a settlement to settle the disputes between them.

10. Therefore, in light of the guidelines laid down by the Hon'ble Supreme Court in the cases of *Gian Singh vs. State of Punjab*, (2012) 10 SCC 303 and *Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath*, (2017) 9 SCC 641, especially pertaining to the non-compoundable offences, this Court is of the view that since the parties have reached at a compromise and amicably settled the disputes without any pressure, no useful purpose would be served by keeping the matter pending.

11. In view of the settlement arrived at between the parties and the law laid down by the Hon'ble Supreme Court, the present petition is allowed. Accordingly, FIR bearing No. 266/2022 registered at Police Station Vikas Puri, New Delhi, for offences punishable under Section 21 of POCSO Act read with Section 34 of the IPC and all consequential proceedings emanating therefrom are quashed.

10. The petition alongwith pending application, if any, stands disposed of.

CHANDRA DHARI SINGH, J

OCTOBER 1, 2024

Dy/mk

[Click here to check corrigendum, if any](#)