



\$~58

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 26.02.2024

+ CRL.M.C. 1559/2024

SAURABH SHARMA @ CHOTU

..... Petitioner

Through: Mr. Praveen Singh and Mr. Ajay
Kumar Sharma, Advocates with
Petitioner-in-person.

versus

STATE & ANR.

..... Respondents

Through: Ms. Kiran Bairwa, APP with SI Sonu
Kumar Jha, PS: Ambedkar Nagar and
Respondent No. 2-in-person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

%

J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)

CRL.M.A. 6085/2024 & 6086/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 1559/2024

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. 0304/2017, under Section 354(D) IPC and Section 12 of POCSO Act, registered at P.S.: Ambedkar Nagar, Delhi and the proceedings emanating therefrom. Chargesheet has been filed Sections 354(D)/354A/323/509/506 IPC and Section 12 read with Section 11 of POCSO Act.
2. Issue notice. Learned APP for the State along with respondent No. 2 in-person appear on advance notice and accept notice.



3. Learned counsel for petitioner submits that after registration of FIR on 27.06.2017, marriage between petitioner and respondent No. 2 has been solemnized according to Hindu Rites and Ceremonies on 06.10.2019. A female child has been born out of the wedlock. It is further submitted that present FIR was lodged due to misunderstanding between families of petitioner and respondent No. 2.
4. Learned APP for the State submits that in view of marriage between the parties, the State has no objection in case the FIR in question is quashed.
5. Petitioner as well as respondent No. 2 are present in person and have been identified by SI Sonu Kumar Jha, PS: Ambedkar Nagar, Delhi. 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 No. 2 also states that nothing remains to be further adjudicated upon between the parties and she has no objection in case the FIR in question is quashed.
6. Petitioner in the present case seeks to invoke the powers under Section 482 of Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of any 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 generalised 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.
7. Both the petitioners and respondent no. 2 are happily married. Parties intend to put quietus to the proceedings and move forward in life.



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. 0304/2017, under Section 354(D)/354A/323/509/506 IPC and Sections 11/12 of POCSO Act, registered at P.S.: Ambedkar Nagar, Delhi and the proceedings emanating therefrom stand quashed.

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.

FEBRUARY 26, 2024/R