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

+ **CRL.M.C. 1338/2022**

SAURAV PORWAL & ANR.

.....Petitioners

Through: Mr. Shikhar Khatri, Advocate with
Petitioners-in-person

versus

THE STATE & ANR.

.....Respondents

Through: Ms. Priyanka Dalal, APP for the
State.
SI Raghubir Prasad, PS Khyala.
Ms. Gunjan Sansanwal, Advocate for
R-2 with Complainant-in-person

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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18.07.2024

1. The Petitioners have approached this Court for quashing FIR No.637/2014 dated 23.08.2014 registered at Police Station Khyala for offences under Sections 323, 354, 506, 509 & 34 IPC on the ground that the parties have entered into an amicable settlement.

2. It is stated that the Petitioners are the neighbours of the Complainant. It has been alleged in the FIR that the Petitioners beat the Complainant and used filthy and vulgar comments against his wife. On the said complaint of Respondent No.2/Complainant, the instant FIR was registered.

3. It is stated that the parties have settled all their disputes amicably by a settlement deed dated 15.04.2019. A copy of Settlement Deed dated



15.04.2019 has been annexed with the instant petition as Annexure-B. As per the settlement, the parties have decided to live peacefully in society and have agreed to settle all their disputes amicably. It is stated that Respondent No.2/Complainant does not have any objection to quashing of the FIR and all the proceedings emanating therefrom in terms of the aforesaid settlement.

4. Today, the Petitioners and the Complainant are present in Court. The parties have been identified by their respective Counsels and the Investigating Officer. The Complainant states that he has settled all his disputes with the Petitioners out of his own free will, without pressure, coercion or undue influence and does not want to pursue the present case any further. He requests that the present FIR and the proceedings emanating therefrom may be quashed. The parties undertake that they will remain bound by the terms of the settlement arrived at between them and the proceedings recorded before this Court.

5. In view of the law laid down by the Supreme Court in Gian Singh vs. State of Punjab, (2012) 10 SCC 303 and in view of the settlement arrived at between the parties since the parties are neighbours, this Court is of the opinion that no useful purpose would be served in continuing with the present proceedings. Resultantly, the FIR No.637/2014 dated 23.08.2014 registered at Police Station Khyala for offences under Sections 323, 354, 506, 509 & 34 IPC and the proceedings emanating therefrom are hereby quashed. The parties shall remain bound by the terms of the settlement and the undertaking given to the Court.

6. A reading of the FIR shows that the Petitioners had assaulted the Complainant and used filthy and vulgar comments against his wife. The



Petitioners cannot be let off only because the Respondent No.2/ Complainant, has decided to enter into a settlement with the Petitioners. The Petitioners have to atone for their sins and must realize that they cannot take the Courts for granted and that the offence committed by them for outraging the modesty of a women cannot be compromised and the Petitioners will be let off. This Court is, therefore, inclined to impose costs of Rs.25,000/- each on the Petitioners so that the Petitioners does not repeat such kind of offences in future. Accordingly, the Petitioners are directed to deposit a sum of Rs.25,000/- each with the *Armed Forces Battle Casualties Welfare Fund* within four weeks from today. A copy of the receipt be given to the Investigating Officer and also be filed with the Registry of this Court to show compliance of the order within four weeks thereafter.

7. This Court also feels that the Petitioners must also do some community service. Accordingly, the Petitioners are directed to do community service at Gurudwara Rakab Ganj Sahib for a period of one month, i.e., from 01.08.2024 to 31.08.2024. The Petitioners shall perform such duties assigned to them at Gurudwara Rakab Ganj Sahib from 09:00AM everyday for a period of one month and shall obtain a certificate from the Gurudwara Rakab Ganj Sahib after the completion of one month which shall also be filed to show compliance of the order of this Court. In case of any absenteeism/default or any misbehaviour on the part of the Petitioners, the same shall be conveyed immediately to the concerned SHO/IO, who shall in turn inform the learned APP for the State, for bringing the same to the notice of the Court and for seeking recall of the orders passed today.



8. The Petitioners are also directed to plant 20 trees each in their locality and nurture them. The Investigating Officer is directed to ensure that the trees are planted by the Petitioners and a Compliance Report regarding the same shall also be filed before this Court.

9. With the above directions, the petition is disposed of along with all the pending application(s), if any.

SUBRAMONIUM PRASAD, J

JULY 18, 2024
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