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

+ CRL.M.C. 2243/2024

ARIF@BABLOO

.....Petitioner

Through: Mr. Firasat Ali Siddiqi, Adv.

versus

STATE GOVT.OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Hemant Mehla, APP for State
with Ms. Ananya Luthra, Adv. with
SI Paras Dhyani, PS Hazrat
Nizamuddin.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

03.12.2024

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1. The Present petition has been filed under section 482 Cr.P.C for quashing FIR No. 129/2019, under sections 354/354A/509 IPC, was registered at PS Hazrat Nizamuddin and all the other proceedings emanating therefrom.
2. The present FIR was registered against the petitioner by Respondent no. 2, alleging that while she visited his shop for stitching of her clothes, during the measurements, he touched her body with *mala fide* intention and ran away. The charge sheet was filed on 29.07.2019, and charges were framed under section 354/509 IPC.
3. Learned counsel for Both parties submits that during the pendency of the aforesaid case, parties have made a statement before the learned Mahila Court-02, SED, Saket, New Delhi, which has been recorded in the order dated 24.09.2022 that they do not wish to continue with the



- present matter and will be filing a quashing petition before this Court.
4. Both parties are present in court and have duly been identified by the IO. Respondent No.2 submits that she has resolved her disputes with petitioners voluntarily without any force, fear or coercion and a statement has been separately signed by respondent No.2 before this Court stating that she has entered into the settlement voluntarily has no objection if the FIR No. 129/2019, under sections 354/354A/509 IPC, was registered at PS Hazrat Nizamuddin and all proceedings emanation therefrom are quashed. A statement of respondent no.2 stating her no objection to quashing of FIR has been recorded separately.
 5. The High Court possesses the inherent power under Section 482 of the Criminal Procedure Code to quash criminal proceedings, even in non-compoundable offenses, when specific conditions are meticulously satisfied. These conditions include an amicable dispute settlement and the victim's unequivocal consent to nullify criminal proceedings. The judicial approach transcends individual-centric considerations, requiring a comprehensive evaluation of the offense's broader societal implications. Criminal proceedings, particularly those involving non-heinous or predominantly private offenses, can be annulled irrespective of trial conclusion or appeal dismissal against conviction. This approach recognizes that punitive measures are not the exclusive mechanism for delivering justice. The societal application of laws remains subject to lawful exceptions, acknowledging the complexity of legal resolution.
 6. The fundamental touchstone for exercising extraordinary powers



under Section 482 Cr.P.C. remains to secure substantive justice. There can be no rigid demarcation constraining the High Court's ability to deliver meaningful judicial resolution. A restrictive interpretation of inherent powers may result in mechanical justice that potentially engenders grave injustice in specific contextual circumstances.

7. Supreme Court and this Court have repeatedly held that the cases arising out of matrimonial differences should be put to a quietus if the parties have reached an amicable settlement. Reliance may be placed upon: *B.S. Joshi v. State of Haryana*, (2003) 4 SCC 675; *K. Srinivas Rao v. D.A. Deepa*, (2013) 5SCC 226; *Yashpal Chaudhrani and Others v. State (Govt. of NCT Delhi) and Another*, 2019 SCC OnLine Del 8179.
8. Taking into account the totality of facts and circumstances of the case, this court considers that the parties have entered into an amicable settlement out of their own free will, without any fear, force or coercion and they should be given an opportunity to lead their lives peacefully. No purpose will be served in continuing with the trial.
9. In view of the above, FIR No. 129/2019, under sections 354/354A/509 IPC, was registered at PS Hazrat Nizamuddin, Delhi and all the other proceedings emanating therefrom are quashed.
10. The present petition, along with all the pending applications, if any, stand disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 3, 2024

Pallavi/HT