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

+ CRL.M.C. 2478/2024 & CRL.M.A. 9439/2024.

RAEES AHMED & ORS.

.....Petitioner

Through: Mr. Yogesh Sharma Mr. Yogeshwer
Singh Ms. Pratima Ravi and Mr.
Yugant Parihar, Advs.

versus

STATE (THROUGH SHO PS JAITPUR) & ANR.Respondent

Through: Ms. Meenakshi Dahiya, APP for the
State with SI Rajesh Chauhan, PS
Jaiputpur

3+ CRL.M.C. 2596/2024 & CRL.M.A. 9903/2024

MAZHRUDDIN & ORS.

.....Petitioner

Through: Mr. Yogesh Sharma Mr. Yogeshwer
Singh Ms. Pratima Ravi and Mr.
Yugant Parihar, Advs.

versus

STATE (THROUGH SHO PS JAITPUR) & ANR.Respondent

Through: Ms. Meenakshi Dahiya, APP for the
State with SI Rajesh Chauhan, PS
Jaiputpur

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

08.07.2024

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1. These petitions have been filed seeking quashing of cross FIR Nos. 100/2018 and 102/2018 both registered at PS Jaitpur under Sections 323/354/354(B)/376/379/452/506/509/34 IPC and Section 6 and 4 & 8 POCSO Act, filed by families of two immediate neighbours.



2. It is stated that these FIRs were registered on basis of a minor scuffle that broke out between neighbours on the issue of parking. Settlement dated 18th August 2023 has now been arrived at, where it is stated that under misguidance of neighbours, they made serious frivolous allegations against each other. It is further stated that since trial was already underway, evidence has been recorded on behalf of complainant. Even in their testimonies, witnesses have stated that there was a minor scuffle and they had provided wrong facts to police officials, in particular allegations relating to Section 376 IPC and POCSO.

3. The parties are present before the Court and have been duly identified by the IO and their respective counsels. Complainants in both these cases confirm these facts.

4. APP for the State however objects to quashing of these FIRs considering the charges framed against the parties and since the trial has already commenced.

5. The Court has perused the evidence tendered before the Trial Court and on this basis, in any event, cannot result in conviction considering the testimonies are consistent regarding a minor scuffle and wrongly trumped-up charges.

6. In the peculiar circumstances, this Court is inclined to quash the above noted FIRs subject to all three petitioners in both sets of matters depositing Rs.15,000/- each with Delhi Police Welfare Fund within a period of 8 weeks from now. Confirmation of the deposit shall be placed on affidavit within 2 weeks thereafter.

7. Considering the above settlement between the parties and the chances of conviction of the petitioners being remote and bleak, there is no use continuing with proceedings of the present FIR as it would be a misuse of the process of the Court and an unnecessary burden on the State exchequer.



8. Accordingly, the petitions are allowed and FIR Nos. 100/2018 and 102/2018 both registered at PS Jaitpur under Sections 323/354/354(B)/376/379/452/506/509/3 IPC and Section 6 and 4 & 8 POCSO Act and proceedings emanating therefrom are quashed.
9. Parties shall abide by the terms of settlement.
10. Accordingly, both these petitions are disposed of. Pending applications are disposed of as infructuous.
11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JULY 8, 2024/sm