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

+ **CRL.M.C. 3211/2023 & CRL.M.A. 12027/2023**

ADESH KUMAR CHAUDHARY

.....Petitioner

Through: Mr. Dhananjai Rana, Advocate with
petitioners in person

versus

STATE (NCT OF DELHI) AND ANR

....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for
the State with SI Sanjay Bansal
R-2 in person

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

25.11.2024

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 [now Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS")] has been filed on behalf of the petitioner praying for quashing of the FIR bearing No.595/2015, registered at Police Station - Bhajan Pura, Delhi, for the offences punishable under Sections 365/392/354-D of the Indian Penal Code, 1860 (hereinafter "IPC").

2. Learned counsel appearing on behalf of the petitioner submitted that a complaint was filed by the respondent No. 2 alleging certain offences against the petitioner which led to the registration of the aforesaid FIR.

3. It is submitted that now both the parties have entered into a settlement vide Memorandum of Understanding (hereinafter "MoU") dated 15th February, 2022, whereby, they have settled all their disputes and claims.



The terms and conditions of the settlement are mentioned in the said MoU which is annexed as Annexure P-1 to the present petition.

4. Therefore, in view of the foregoing submissions, 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 and in terms of the judgment of the Hon'ble Supreme Court passed in *Gian Singh vs. State of Punjab*, (2012) 10 SCC 303.

5. *Per Contra*, Mr. Yudhvair Singh Chauhan, learned APP for the State submitted that in case this Court is inclined to allow the instant petition and quash the FIR in question in view of the compromise arrived at between the parties, cost may be imposed upon the petitioner as the FIR was registered in the year 2015 and a period of more than nine years of judicial time is wasted.

6. Heard learned counsel for the parties and perused the record.

7. The petitioner is present before this Court and has been identified by his counsel Mr. Dhananjai Rana as well as by the Investigating Officer SI Sanjay Bansal, Police Station - Bhajan Pura, Delhi. The respondent No.2/complainant is also present in the Court and has been identified by the Investigating Officer.

8. On the query made by this Court, respondent no.2/complainant has categorically stated that she has entered into compromise on her own free will and without any pressure or coercion. It is also stated by the respondent No.2 that the entire dispute has been amicably settled between the parties and she does not wish to pursue the matter any further.

9. At this juncture, the petitioner appearing in-person undertakes to not repeat the same conduct in the future.



10. Keeping in view the fact that the parties have settled the matter as well as undertaking given by the petitioner and the no-objection of the respondent No. 2 given in the form an affidavit, this Court is of the considered view that keeping the matter pending would be a futile exercise and no useful purpose would be served.

11. Accordingly, FIR bearing No.595/2015 dated 15th May, 2015 registered at Police Station - Bhajan Pura, Delhi, for the offences punishable under Sections 365/392/354-D of the IPC, charge-sheet and all the consequential proceedings emanating therefrom are quashed subject to the deposition of the cost of Rs.25,000/- (Rupees Twenty Five Thousand only) by the petitioner in the account of Army Central Welfare Fund, Saving Account no. 520101236373338 (IFSC- UBIN0530778), Bank Name- Union Bank of India, Branch- Chandni Chowk, Delhi – 110006 within a period of two weeks. The receipt of the payment of the aforesaid cost shall be furnished before the Investigating Officer as well as the Registry of this Court within two weeks.

12. In view of the foregoing discussions, the instant petition is allowed and stands disposed of. Pending applications, if any, stands dismissed.

CHANDRA DHARI SINGH, J

NOVEMBER 25, 2024

Rt/ryp

Click here to check corrigendum, if any