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

+ **CRL.M.C. 2685/2024**

RAHUL KANNOJIA

..... Petitioner

Through: Mr.Sourabh Garg, Adv.
Petitioner present in person.

versus

THE STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr.Shoaib Haider, APP.
SI Ajay Kumar, PS Tughlak
Road.
Mr.Nikhil Khandelwal, Adv.
for R-2.
Respondent no.2 present
through VC.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

04.04.2024

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CRL.M.A. 10198/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 2685/2024

2. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of FIR No. 0065/2020 registered at Police Station: Tughlak Road, New Delhi under Sections 354D/323 of the Indian Penal Code, 1860 (in short, 'IPC'), along with all other proceedings arising therefrom, on



the basis of settlement.

3. Issue notice.

4. Notice is accepted by Mr.Shoaib Haider, learned APP on behalf of the respondent no.1, and Mr.Nikhil Khandelwal, learned counsel on behalf of the respondent no.2.

5. The learned counsel for the petitioner submits that the parties have settled their disputes and have entered into a Memorandum of Settlement dated 12th September 2023.

6. The respondent no.2, who appears through VC and has been duly identified by the Investigating Officer (IO), reaffirms the above-mentioned settlement and states that she has settled all the disputes with the petitioner out of her own free will and without any coercion. The respondent no.2 submits that she does not wish to pursue her complaint against the petitioner any further and has no objection if the present FIR is quashed, as she has moved on with her life.

7. The petitioner, who appears in person, undertakes to render Community Service for three months at an Old Age Home as may be assigned to him.

8. I have perused the contents of the FIR and considered the submissions made.

9. Keeping in view the fact that the respondent no.2 does not wish to pursue her complaint any further, as also the Settlement arrived at between the parties, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR and it would rather cause unnecessary harassment to the respondent no. 2 and will be an unnecessary burden on the State exchequer.



10. Guided by the principles enunciated by the Supreme Court in its judgments in *Gian Singh v. State of Punjab*, (2012) 10 SCC 303; *Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Ors. v. State of Gujarat & Ors.* (2017) 9 SCC 641; and, *State of Haryana & Ors. v. Bhajan Lal & Ors.* 1992 Supp (1) SCC 335, this Court deems it appropriate, in the interest of justice, to exercise its inherent powers under Section 482 of the Cr.P.C. to quash the FIR and all the proceedings emanating therefrom.

11. Accordingly, the petition is allowed. FIR No. 0065/2020 registered at Police Station: Tughlak Road, New Delhi under Sections 354D/323 of the IPC, and all consequential proceedings emanating therefrom against the petitioner are quashed, binding the petitioner to his undertaking.

12. For rendering the Community Service for three months as undertaken by the petitioner, he shall contact Dr. Rachna Bhardwaj, Superintendent, Department of Social Welfare, who shall then assign the petitioner to an Old Age Home. The contact details of Dr. Rachna Bhardwaj are as under:

Name - Dr. Rachna Bhardwaj, Superintendent DSW
Branch – Social Security, Department of Social Welfare,
GNCTD
Email ID – litigation_dsw@rediffmail.com,
ddss.dsw@gmail.com
Mobile No: 9013270158

13. Upon the successful completion of the community service for a period of three months, the Nodal Officer shall issue a certificate of completion of the Community Service undertaken by the petitioner.



The petitioner shall file such certificate with the Registry of this Court and also supply a copy thereof to the IO.

14. In case the petitioner fails to render the community service and a certificate in this regard is not filed with the Registry, the Registry shall place this petition before this Court for appropriate orders.

NAVIN CHAWLA, J

APRIL 4, 2024/rv/am

Click here to check corrigendum, if any