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

+ **CRL.REV.P. 437/2019 & CRL.M.(BAIL) 691/2019**

PRAMOD KUMAR

.....Petitioner

Through: Mr. Amit Chadha , Mr. Nitesh Gupta
Mr. Atin Chadha , Mrs Munisha
Chadha & Mr. Harjas Singh
Chhatwal, Advocates.

versus

THE STATE

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with SI Pancham Kumar, PS: Sadar
Bazar.
Counsel for R-2 with R-2 in person

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

05.09.2024

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1. This petition is filed for setting aside order dated 30th March 2019 passed by the ASJ upholding judgment of conviction and order on sentence by the MM dated 21st December 2018 for offence punishable under Section 54/354A IPC in FIR No. 119/2015 PS: Sadar Bazar, Delhi.

2. Counsel for the petitioner states, aside from grounds on basis of which they had filed a revision against dismissal of their appeal, *inter alia* considerable delay in registration of FIR, material contradictions in the testimonies, pre-existing dispute between the husband of complainant and petitioner and litigation between the parties, incident occurring in a crowded area, that settlement agreement was arrived at between the parties on 2nd January 2023, which is on record of this Court.



3. As per the said settlement, the complainant has stated that since the accused-petitioner lost his wife and is raising his child all alone and there is no one in the family to take care of the child; she stated that it would be grave miscarriage of justice to the said child and therefore agreed to settle the disputes with the petitioner.

4. Complainant is present in the Court, assisted by her counsel and confirms the same. However, there is no denial of the incident having taken place.

5. Counsel for petitioner seeks to invoke inherent powers of this Court under Section 482 Cr.P.C. for quashing the FIR and acquitting the petitioner. For this, he relies upon decision of Supreme Court in ***Ram Gopal & Anr. v. State of Madhya Pradesh*** and decision of Bombay High Court in ***Sheikh Shaukat v. State of Maharashtra*** dated 18th January 2023, to contend that till all the remedies are not exhausted, there is power of Court for compounding non-compoundable offences using powers under Section 482 Cr.P.C.

6. APP for the State however states that considering the appeal was also dismissed, the preferable situation would be, in these circumstances, to modify the sentence.

7. Taking a holistic view of the matter and the nature of incident which had occurred and to ensure that there is deterrence to such incidents occurring in future, the Court is of the opinion that the FIR does not merit quashing and instead sentence of petitioner is reduced to period already undergone.

8. In any event, sentence of petitioner was suspended by order dated 12th April 2019, and he has not been in custody, except reportedly for a period of 15 days post-conviction.

9. In these circumstances, the petition is accordingly disposed of with these directions with reduced sentence of accused in FIR No. 119/2015 PS



Sadar Bazar, Delhi for offence punishable under Section 54/354A IPC, to the period already served.

10. Pending application is rendered infructuous.
11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 5, 2024/sm