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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 3739/2023 and CRL.M.A. 14134/2023

MUKESH KUMAR

.....Petitioner

Through: Mr.Pankaj Kumar, Mr.Priyanshu and
Ms.Mehak Sethi, Advocates

versus

STATE NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
Counsel for complainant appearance not given

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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11.07.2024

1. The present petition has been filed seeking quashing of FIR No.202/2023 registered under Section 174A IPC at P.S. Burari, Delhi on the ground that the parties have amicably settled their disputes.
2. Learned counsel for the petitioner submits that the present FIR came to be registered as the petitioner, who was an accused in C.C. No.531353/2016 registered under Section 138 NI Act, challenged his conviction vide appeal being CA No.9/2021. He submits that during the pendency of the said appeal, the petitioner suffered an accident for which reason he could not appear before the appellate court. It is further submitted that during the aforesaid proceedings, the petitioner preferred an application seeking recall of the NBWs, however, instead of considering the said application, the appellate court proceeded to declare the petitioner as an absconder. He submits that before the petitioner could have been declared an absconder, he had already approached the appellate court. Lastly, it is



submitted that the parties have reached on a settlement w.r.t. the subject matter of the appeal for a sum of Rs.6,00,000/-, which amount already stands paid. In this regard, he has also referred to the order dated 23.05.2023 whereby the petitioner was directed to pay remaining amount of Rs.3,40,000/-, which amount has since then been paid.

3. Learned counsel for the complainant, on the other hand, submits that under the settlement agreement, the amount was to be paid within one year. However, there has been a delay in payment of the same.

4. At this stage, learned counsel for the petitioner, on instructions, submits that the petitioner is willing to honour the settlement and pay the interest component as well.

5. Learned APP for the State has opposed the petition.

6. Considering that the present FIR was lodged on the account of the fact that the petitioner had stopped appearing in the appeal proceedings, subject matter of which has already been settled between the parties and further that, the petition is accompanied by the medical records indicating that the petitioner had suffered an accident as well as considering the submissions of the parties recorded hereinabove, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed, subject to payment of cost of Rs.5,000/- by the petitioner to be deposited with the Delhi State Legal Services Authority (A/c No.: 18580110053263, Bank: UCO BANK, Branch: Rouse Avenue, IFSC: UCBA0003364) within a period of two weeks from today. The amount so deposited shall be utilized by the Delhi State Legal Services Authority for providing counselling/psychological support to POCSO victims requiring such assistance.



7. Proof evidencing receipt of deposit shall be filed with the I.O. In case the receipt of cost is not filed within the stipulated time, the I.O. shall be at liberty to move an appropriate application.
8. With the above directions, the petition is disposed of alongwith the pending application.
9. Let a copy of this order be communicated to the Member Secretary, Delhi State Legal Services Authority for information.

MANOJ KUMAR OHRI, J

JULY 11, 2024

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