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

+ **CRL.M.C. 3247/2024**

MR.ARJUN & ORS.

..... Petitioners

Through: Mr.Avtar Singh, Adv. along
with the petitioners present in
person.

versus

THE STATE(NCT OF DELHI) & ANR. Respondents

Through: Mr.Shoaib Haider, APP.
SI Asha, PS Sarita Vihar.
Mr.Arjun Dhamija, Adv. for R-
2.
Respondent no.2, along with
her parents.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **28.05.2024**

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of the FIR No.0450/2022 registered at Police Station: Sarita Vihar, South-East District, Delhi under Sections 354(B)/341/452 of the Indian Penal Code, 1860 (in short, 'IPC') and Section 8 of The Protection of Children from Sexual Offences Act, 2012 (in short, 'POCSO Act'), along with all other proceedings arising therefrom, on the basis of a settlement.

2. The learned counsel for the petitioners submits that the allegations against the accused are of having misbehaved with the victim with sexual intent.

3. He submits that the parties are neighbours and well-known to each other and the above FIR was a result of some petty issues /



misunderstanding between the parties.

4. He submits that the parties have now amicably settled their *inter se* disputes and an affidavit in this regard has also been filed by respondent no.2 / victim giving her no objection for quashing of the above-mentioned FIR.

5. The respondent no.2 is personally present in Court and has been duly identified by the Investigating Officer (IO). She reaffirms the settlement and states that she has settled all the disputes with the petitioners out of her own free will and without any coercion. The respondent no.2 submits that she has no objection if the present FIR is quashed. The parents of the respondent no.2/victim are also present and have also requested that the present FIR be quashed.

6. I have perused the contents of the FIR and also the settlement between the parties.

7. Keeping in view the fact that the parties are neighbours and the respondent no.2/victim have since moved on and 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 as it would create further acrimony between the parties and will be an unnecessary burden on the State exchequer.

8. In ***Kapil Gupta v. State (NCT of Delhi)***, 2022 SCC OnLine SC 1030, the Supreme Court has held as under:

“12. It can thus be seen that this Court has clearly held that though the Court should be slow in quashing the proceedings wherein heinous and serious offences are involved, the High Court is not foreclosed from examining



as to whether there exists material for incorporation of such an offence or as to whether there is sufficient evidence which if proved would lead to proving the charge for the offence charged with. The Court has also to take into consideration as to whether the settlement between the parties is going to result into harmony between them which may improve their mutual relationship.

13. The Court has further held that it is also relevant to consider as to what is the stage of the proceedings. It has been observed that if an application is made at a belated stage wherein the evidence has been led and the matter is at the stage of arguments or judgment, the Court should be slow to exercise the power to quash the proceedings. However, if such an application is made at an initial stage before commencement of trial, the said factor will weigh with the court in exercising its power.”

9. In view of the above judgement and further 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.

10. Accordingly, the petition is allowed. FIR No.0450/2022 registered at Police Station: Sarita Vihar, South-East District, Delhi under Sections 354(B)/341/452 of the IPC and Section 8 of the



POCSO Act and all consequential proceedings emanating therefrom against the petitioners are quashed, subject to the condition that the petitioners shall deposit costs of Rs.7,500/- each with the Delhi State Legal Services Authority within a period of one month from today, and file a proof of such deposit with the Registry of this Court and also supply a copy thereof to the IO, within the said period.

11. The costs so deposited shall be utilized by the Delhi State Legal Services Authority for providing counselling/psychological support to the POCSO Victims requiring such assistance.

NAVIN CHAWLA, J

MAY 28, 2024/rv/ss

[Click here to check corrigendum, if any](#)