



2024:DHC:3503



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 01.05.2024

+ CRL.M.C. 3447/2024 & CRL.M.A. 13252/2024

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..... Petitioners

Through: Mr. R.P.S. Bhati and Mr. Saurav,
Advocate.

versus

THE STATE GOVT OF NCT OF DELHI & ANR.

..... Respondents

Through: Ms. Meenakshi Dahiya, APP for the
State with SI Shiv Dayal Kumar, P.S.:
Harsh Vihar.
Mr. Kanhaiya Lal, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)

CRL.M.A. 13252/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 3447/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for quashing of FIR No. 211/2015, under Sections 354C/509 IPC & 12 POCSO Act, registered at P.S.: Harsh Vihar.

2. In brief, as per the case of the prosecution, respondent No.2 alleged



that the petitioner had been harassing her for past three years and also made obscene actions. The matter was initially settled between the parties when it was brought to notice of parents of petitioner and they assured that the petitioner would not repeat his actions. However, since the petitioner did not abstain from repeating the same actions, present FIR was lodged by respondent No.2.

3. The disputes are stated to have been resolved between the parties with the intervention of family members vide Settlement dated 02.04.2024.

Learned counsel for the petitioner submits that the petitioner and respondent no.2 are residing in vicinity and alleged incident has never been repeated after registration of FIR in 2015. It is further urged that the petitioner was aged about 20/21 years at the time of alleged offence and expresses remorse over any such alleged incident. It is also pointed out that allegations pertain to stalking/writing of letters to respondent No. 2, who was just under 18 years at relevant date.

4. Learned APP for the State submits that in view of amicable settlement between the parties, the State has no objection in case the FIR in question is quashed.

5. Petitioner in the present case seeks to invoke the powers under Section 482 of Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of any Court. In which cases, the power to quash the criminal proceedings or the complaint or FIR may be used when the offender as well as victim have settled their dispute, would depend upon the facts and circumstances of each case and no generalised list or categories can be prescribed. However, the Court is



required to give due regard to the nature and gravity of the offence and consider the impact on the society.

6. It may also be observed that heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot be quashed despite settlement. However, distinguished from serious offences, minor incidents or offences, which don't affect the society at large or are personal in nature, stand on a different footing, so far as exercise of inherent powers under Section 482 Cr.P.C. is concerned. The High Court also 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. It may also be assessed, if in view of compromise between the parties, the possibility of conviction in such a case is remote and whether continuation of proceedings would cause grave oppression and prejudice the accused.

7. Petitioner as well as respondents No.2, who is presently aged about 26 years are present in person and have been identified by SI Shiv Dayal Kumar, P.S.: Harsh Vihar. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No.2 also states that there has been no further incident after the registration of aforesaid FIR and she has no objection in case the FIR in question is quashed.

8. Parties intend to put quietus to the proceedings. The settlement shall promote harmony between the parties who are close neighbours. The chances of conviction are bleak in view of amicable settlement between the



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parties. Also, no other involvement of the petitioners in any other criminal case has been brought to the notice of this Court. Petitioner has also expressed remorse and assures not to repeat any such incident in future.

9. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. Continuation of proceedings would be nothing but an abuse of the process of Court. Consequently, FIR No.211/2015, under Sections 354C/509 IPC & 12 POCSO Act, registered at P.S.: Harsh Vihar and the proceedings emanating therefrom stand quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this judgment be forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J.

MAY 01, 2024/ss