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

+ **CRL.M.C. 3535/2024**

JOGENDER SINGH

..... Petitioner

Through: Mr.Rajbir Singh Sagar,
Mr.Rajiv Pratap Singh, Advs.
with petitioner in person.

versus

THE STATE (GOVT OF NCT OF DELHI) AND ANR

..... Respondents

Through: Mr.Satinder Singh Bawa, APP
with SI Nirmala, SI Mayank
Istwal.
Parents of the victim in person.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

03.05.2024

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CRL.M.A. 13578/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 3535/2024

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.655/2022 registered at Police Station: Kalyanpuri, Delhi, under Sections 354A of the Indian Penal Code, 1860 (in short, 'IPC') and Section 10 of the Protection of Children from Sexual Offences Act, 2012, along with all other proceedings arising therefrom, based on a settlement.

3. Issue Notice.

4. Notice is accepted by Mr.Satinder Singh Bawa, learned APP, on behalf of the respondent no. 1, and by respondent nos.2 and 3, who are



present in person.

5. The learned counsel for the petitioner submits that the FIR was registered due to a confusion which was caused, as is also reflected in the statement of the victim recorded under Section 164 of the Cr.PC., on the same day of registration of the FIR. He submits that the reason as is mentioned in paragraph 5 of the petition is not being pressed.

6. He submits that the parties, that is, the petitioner and the respondent nos.2 and 3 (parents of the victim) have settled their *inter se* dispute and have executed a Settlement Agreement dated 19.04.2024. Unfortunately, the victim has since passed away.

7. The learned counsel for the petitioner submits that the petitioner shall pay a compensation of Rs.60,000/- to the parents of the victim within a period of six months. This amount is not being paid as consideration for withdrawal of the FIR but only as the victim has since passed away.

8. The parents of the victim, who have been identified by the IO, are present in Court. They say that they have no objection if the FIR is quashed.

9. I have perused the contents of the FIR and also interacted with the parents of the victim.

10. Keeping in view the fact that the victim has since passed away and parents of the victim do not wish to pursue their complaint any further, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR as it would lay an unnecessary burden on the State exchequer and cause further pain and anguish to the parties.



11. Guided by the principles enunciated by the Supreme Court in its judgment in *Kapil Gupta v. State of NCT of Delhi and Another*, 2022 SCC OnLine SC 1030, this Court deems it appropriate, in the interest of justice and in the peculiar facts of the present case, to exercise its inherent powers under Section 482 of the Cr.P.C. to quash the FIR and all the proceedings emanating therefrom.

12. Accordingly, the present petition is allowed. Subject to the petitioner paying an amount of Rs.60,000/- to the respondent nos.2 and 3 within a period of six months (as volunteered by the petitioner) and filing the receipt of the same with the Registry of this Court and also supplying a copy thereof to the IO within the said period, FIR No.655/2022 registered at Police Station: Kalyanpuri, Delhi, under Section 354A of the IPC and Section 10 of the Protection of Children from Sexual Offences Act, 2012 and all consequential proceedings emanating therefrom against the petitioner are quashed.

NAVIN CHAWLA, J

MAY 3, 2024/Arya/am

Click here to check corrigendum, if any