



\$~

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

%

Reserved on: 17.05.2024
Pronounced on: 01.07.2024

+ **CRL.M.C. 4031/2024**

SH. ROHIT GAUTAM & ANR. Petitioners

Through: Mr. Satender Kumar and Ms.
 Joicy Arikkan, Advocate for
 P-2
 Petitioners-in-person

versus

STATE OF NCT OF DELHI & ANR. Respondents

Through: Mr. Naresh Kumar Chahar,
 APP for the State with Mr.
 Pulkit, Mr. Naman Jain and
 Mr. Lalit Kumar, Advocates
 with SI Mayank Istwal, P.S.
 Kalyanpuri
 Respondent no. 2 in person

CORAM:**HON'BLE MS. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****SWARANA KANTA SHARMA, J.**

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C') has been filed on behalf of petitioners seeking quashing of FIR bearing no. 804/2013, registered at Police Station Kalyanpuri, Delhi for offences punishable under Sections 354(A)(1)/509/34 of the Indian Penal Code, 1860 ('IPC') alongwith all consequential proceedings emanating therefrom.



2. Brief facts of the case, as revealed from records, are that the petitioners and respondent no. 2 were working in the same hospital and were known to each other. It is alleged that in December, 2013, petitioner no. 2 had started talking to the respondent no. 2 and had asked her to her to be his friend and give divorce to her husband. It is further alleged that on 31.12.2013, a quarrel had taken place between the parties and heated arguments had been exchanged wherein petitioner no. 2 had caught hold of respondent no. 2 and had kissed on her cheek, while petitioner no. 1 had passed sexually coloured remarks against respondent no. 2. Thereafter, respondent no. 2 had made a written complaint against the petitioners, which had culminated into the present FIR. After investigation, chargesheet was filed before the concerned Court for offences under Sections 354D/354A/509/34 of IPC, and charges were framed against the petitioners.

3. It is now submitted, by way of present petition, that during pendency of the aforesaid case, both the parties have amicably settled their disputes *vide* Settlement Deed dated 07.12.2023 with the intervention of well wishers and family members. It is also submitted that petitioners and respondent no. 2 had earlier settled their dispute orally in the year 2018, but they could not file a petition for quashing before this Court since the respondent no. 2 had gone out of station, and thereafter, due to onset of Covid-19 pandemic.

4. Learned APP for the State, however, argues that the allegations against the petitioners are serious and the case is at the stage of prosecution evidence before the learned Trial Court. It is stated that



the FIR in this case pertains to the year 2013 and therefore, he prays that the present petition be dismissed.

5. This Court has heard arguments addressed by both the parties and has gone through the material placed on record.

6. Petitioners are present before this Court and have been identified by their counsel Mr. Satender Kumar and Investigating Officer (IO) S.I. Mayank Istwal from Police Station Kalyanpuri, Delhi.

7. On a query made by this Court, respondent no. 2 who has been identified by the I.O., has categorically stated that she has entered into compromise out of her own free will and without any pressure, coercion or threat. It is also stated by respondent no. 2 that the entire dispute has been amicably settled between the parties *vide* Settlement Deed dated 07.12.2023. Respondent no. 2 further stated that she has no objection if FIR be quashed.

8. This Court has also perused the affidavit of respondent no. 2 annexed alongwith the present petition, wherein she has mentioned that she has settled all her disputes with the petitioners herein and has no objection if the present FIR is quashed.

9. In view of the above facts and circumstances, and the fact that the parties are known to each other and they have now amicably resolved their differences out of their own free will and without any coercion, this Court is of the opinion that no useful purpose will be served by continuing the proceedings, rather the same would create further acrimony between them. It would thus be in interest of justice to quash the above-mentioned FIR and the proceedings pursuant



thereto. There is no legal impediment in quashing the FIR in question.

10. Accordingly FIR bearing no. 804/2013, registered at Police Station Kalyanpuri, Delhi for offences punishable under Sections 354(A)(1)/509/34 of IPC and all consequential proceedings emanating therefrom are quashed, subject to petitioners depositing the cost of Rs. 15,000/- each with the *District & Sessions Courts Employees Welfare Association Delhi (Regd.)* within three weeks.

11. The present petition stands disposed of in above terms.

12. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JULY 1, 2024/ns