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

+ **CRL.M.C. 4368/2024**

SACHIN

..... Petitioner

Through: Mr Sanjay Padam Jain, Advocate
along with petitioner in person.

versus

STATE NCT OF DELHI & ORS.

..... Respondents

Through: Mr Hitesh Vali, APP for the State
with SI Prashant, w/HC Suman, PS
Kanjhawala, Delhi.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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29.05.2024

CRL.M.A. 16575/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 4368/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0039/2021 under Sections 323/341/354/509/34 IPC and Section 12 of POCSO Act registered at Police Station Kanjhawala, Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

3. Issue notice. The learned APP for the State accepts notice. He submits that since the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.

4. The petitioner, as well as, respondent no.2 are present in the Court and they have been identified by the counsel and by the Investigating



Officer SI Prashant, w/HC Suman, PS Kanjhawala, Delhi.

5. The case of the prosecution is that the victim, who is 15 years old and studying in class 10th was verbally abused by the petitioner herein and he also made dirty comments. It is also alleged that the petitioner also caught her hand, hugged her, held her collar and slapped her on the face. This led to the registration of the present FIR.

6. During the pendency of the proceedings, the parties have arrived at an oral settlement. It has been agreed between the parties that they shall cooperate with each other in quashing of the aforesaid FIR.

7. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.

8. In ***Dendera Jain vs State & Another*** CrI.MC.No.6331/2019 decided on 22.01.2020, a coordinate bench of this Court had quashed the FIR under Section 354 IPC and Section 8 of the POCSO Act, observing as under:

“6. Respondent no. 2, mother of the victim is personally present in Court and submits that the matter has been settled with the petitioner out of their free will, choice and without any kind of force, pressure or coercion from any corner and she has no objection, if the present FIR is quashed.

7. Prosecutrix is also present in Court and she submits that she is studying in 9th standard and she does not want to prosecute the petitioner any further as she wants to concentrate on her studies. Therefore, a compromise has taken place on her behalf by her mother with the petitioner. She has no objection if the present petition is allowed.

8. Respondent No. 2 is personally present in Court with her learned counsel – Ms. Jaswant Maan, Advocate and has been identified by SI Deepak/IO.

9. The petitioner and respondent no.2 have entered into an amicable settlement vide compromise deed dated 05.09.2018.



11. Similar issue came before the Co-ordinate Bench of this Court in CRL.M.C. 2006/2009 titled as „Kulpreet @ Manni vs. State and Anr.’ , whereby the Court vide its order date 22.05.2019 quashed the FIR bearing No.498/2015 registered at Police Station – Geeta Colony for the offences punishable under Sections 354/354A/354D/506/341/34 IPC and Sections 10/12 of the Protection of Children from Sexual Offences Act, 2012.

12. Taking into account the aforesaid facts, this Court is inclined to quash the FIR as no useful purpose would be served in prosecuting the petitioner any further.

13. FIR No. 561/2015 dated 12.09.2015 registered at Police Station – Geeta Colony, Delhi instituted for the offences punishable under Section 354A IPC and Section 8 of POCSO Act and all other proceedings emanating therefrom are quashed.

9. Likewise, in **Rohan Pandey vs. State through SHO PS Palam Village & Anr.:** CRL.M.C. 5392/2023 decided on 21.09.2023 a Coordinate Bench of this Court observed as under:

“7. While considering the facts and circumstances involved in the present case, though this Court, no doubt, is very much mindful of the fact that the allegations levelled against the petitioner involve heinous offences involving grave punishments, if he is convicted, however, in the opinion of this Court, looking into the holistic events in its entirety, considering that the present FIR was registered as a result of some misunderstandings and personal grudges between the parties involved herein and their family members as also that a settlement has been arrived at between the parties voluntarily, continuing with the FIR under the existing circumstances will be an exercise in futility, as in view of the current factual matrix involved, the chances of the petitioner being held guilty are very bleak.

8. Prima-facie, upon consideration of the existing peculiar facts and the overall events unfolding in their entirety, in view



of the rare circumstances involved here, even though this Court is mindful that the FIR has been registered under Section 354 IPC and under Section(s) 8/12 POCSO Act, this Court is inclined to quash the present FIR in exercise of its inherent powers under Section 482 Cr.P.C., particularly when in the opinion of this Court, the same is in the interest of justice and will also be in the interest of the parties and betterment of their future, as the parties involved herein are young people who are still pursuing their studies and trying to make their respective future careers.”

10. In view of the above legal position and regard being had to the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.
11. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.
12. Consequently, the petition is allowed and the FIR No.0039/2021 under Sections 323/341/354/509/34 IPC and Section 12 of POCSO Act registered at Police Station Kanjhawala, Delhi alongwith all other proceedings emanating therefrom, is quashed.
13. The petition stands disposed of in the above terms.
14. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

MAY 29, 2024
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