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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5294/2022 & CRL.M.A. 31515/2023**
PP MADHAVAN

..... Petitioner

Through: Ms.Rashmi Chopra, Sr. Adv.
with Mr.Shivanshu Bharadwaj,
Mr.Mridul Gaur & Mr.Rajiv
Singh, Advs.

versus

STATE AND ORS.

..... Respondents

Through: Ms.Priyanka Dalal, APP.
SI Kartar Singh, PS Uttam
Nagar.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **06.02.2024**

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') challenging the order dated 14.09.2022 passed by the learned Additional Sessions Judge (STFC), South-West District, Dwarka Courts, New Delhi (hereinafter referred to as the 'Trial Court') whereby the learned Trial Court has framed charges against the petitioner herein under Section 376(2)(n) and 506 of the Indian Penal Code, 1860 (in short, 'IPC'), and the Final Report dated 04.08.2022 filed in proceedings emanating from the FIR No. 418/2022 registered with Police Station: Uttam Nagar, Dwarka District, Delhi, accusing the petitioner herein of an offence under Sections 376/506 of the IPC.

2. It is the case of the prosecution that the petitioner and the



respondent no.4 had met and had developed a friendly relationship. The respondent no.4 complained that the petitioner, on one of the dates in February 2022, tried to sexually molest her, while, on the second occasion, on a false promise of getting her a job and marrying her, had sexual intercourse without her free will. The petitioner had informed the respondent no.4 that his wife has expired. It is only later that the respondent no.4 came to know that the petitioner's wife was still alive and he was staying with her.

3. During the pendency of the present petition, the parties have entered into a settlement and have executed a Settlement Deed/MoU dated 09.11.2023.

4. The respondent no.4 is present in person and has been identified by the IO. She submits that she does not wish to proceed with the complaint against the petitioner any further as the same was filed due to some misunderstanding. She submits that the settlement has been signed by her out of her own free will and without any coercion. She states that she has no objection if the subject FIR is quashed.

5. The learned APP, on the other hand, submits that the charges under Section 376 of the IPC are grave in nature and cannot be quashed merely on the basis of a settlement arrived at between the accused and the complainant. She submits that in the present case, on investigation, the charges were found to be substantiated and, therefore, the chargesheet has also been filed.

6. I have considered the submissions made by the learned counsel for the parties.

7. A perusal of the nature of allegations made in the complaint



shows that there was some element of consent in the relationship between the petitioner and the respondent no. 4. The Charge Sheet was filed without arresting the petitioner. The Complainant does not wish to pursue her complaint any further. I, therefore, find that no useful purpose shall be served in continuing with the proceedings emanating from the above mentioned FIR as the chances of its success will be rather minuscule and it would rather create further acrimony between the parties and will be an unnecessary burden on the State exchequer. Only because a charge under Section 376 of the IPC has been framed, cannot be a ground to reject the present petition. I draw support from the judgment of the Supreme Court in ***Kapil Gupta v. State (NCT of Delhi)***, 2022 SCC OnLine SC 1030.

8. Guided by the principles enunciated by the Supreme Court in its judgments in ***Kapil Gupta*** (supra); ***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 3, and of this Court in ***Ajay Kumar v. State (NCT of Delhi) & Anr.*** (2022) 6 High Court Cases (Del) 530, 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 FIRs and all the proceedings emanating therefrom.

9. Accordingly, the petition is allowed. FIR No. 418/2022 registered with Police Station: Uttam Nagar, Dwarka District, Delhi under Sections 376/506 of the IPC and all consequential proceedings emanating therefrom against the petitioner, including the order dated



14.09.2022 passed by the learned Additional Sessions Judge (STFC), South-West District, Dwarka Courts, New Delhi (hereinafter referred to as the 'Trial Court') are quashed subject to the condition that the petitioner shall deposit costs of Rs.1,00,000/- with the Delhi State Legal Services Authority within a period of two weeks from today and file proof of such deposit with the Registry of this Court and also supply a copy thereof to the IO, within the said period.

10. The costs so deposited shall be utilised by the Delhi State Legal Services Authority for providing support to the POSCO Victims requiring such assistance.

11. The pending applications are also disposed of being rendered infructuous.

NAVIN CHAWLA, J

FEBRUARY 6, 2024/rv/AS

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