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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 19.07.2024

+ CRL.M.C. 5467/2024

AJAY SINGH

.....Petitioner

Through: Mr. M.K. Saroja and Mr. Ravikant,
Advs.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Kiran Bairwa, APP for State with
SI Paramjeet Singh, PS Ranhola.
Respondent No. 2 with her counsel.

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. 20930/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 5467/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for quashing of FIR No. 0797/2021 under Sections 354 IPC registered at P.S.: Ranhola and proceedings emanating therefrom.
2. Issue notice. Learned APP for the State and learned counsel for respondent No. 2 alongwith respondent No. 2 appear on advance notice and accept notice.
3. In brief, as per the case of the petitioner, present FIR was registered on



complaint of respondent No.2 on 05.11.2021, who alleged that the petitioner had been visiting her place frequently and he used to touch her with bad intentions. Further, he continued the same despite her objections and on 05.11.2021 outraged her modesty by inappropriately touching her on which she called her cousin. FIR was accordingly registered under Section 354 IPC.

4. Learned counsel for the petitioner submits that the petitioner was aged about 23-24 years at the time of incident and both petitioner and respondent No. 2 are neighbours. He further submits that the complaint was registered owing to misunderstanding between the parties. Petitioner is stated to have clean past antecedents. It is urged that the disputes have since been amicably resolved between the parties in terms of Memorandum of Understanding dated 27.05.2024.

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

6. Petitioner in the present case seeks to invoke the powers under Section 482 of the Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of 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 generalized 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.

7. It may also be observed that heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot be



appropriately quashed despite settlement. However, distinguished from serious offences, the offences which have predominant element of civil dispute or offences involving minor incidents, where the complainant/victim also stands compensated for loss, if any, 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.

8. Petitioner and respondent No. 2 are present in person and have been identified by SI Paramjeet Singh, PS Ranhola. 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 who is appearing with the counsel submits that she has no objection to quashing of the FIR since the petitioner has already shifted from the aforesaid premises and there was no repeat incident after the complaint.

9. Petitioner and respondent No. 2 intend to put quietus to the proceedings. The settlement shall promote harmony between the parties and permit them to move forward in life. Also the chances of conviction are bleak in view of amicable settlement between the parties. Further, no past involvement of the petitioner has been brought to the notice of this Court.

10. 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. 0797/2021 under Sections 354 IPC registered at P.S.: Ranhola and proceedings emanating therefrom stand quashed.

11. In the facts and circumstances, instead of imposing the costs upon the petitioners, he is directed to plant 30 saplings of trees, which are upto 03 feet in height in the area of Ranhola after getting in touch with the competent authority (i.e. Horticulture Department of MCD/DDA/ Conservator of Forests, Department of Forests & Wildlife, Govt. of NCT of Delhi) through IO/SHO, P.S. Ranhola. The photographs of planted saplings alongwith report of IO/SHO concerned shall be forwarded to this Court within eight weeks. Further, the upkeep of the saplings/trees shall be undertaken by the authorities concerned. In case of non compliance of directions for planting of trees, the petitioner shall be liable to deposit cost of Rs. 30,000/- with the Delhi State Legal Services Authority.

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

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

ANOOP KUMAR MENDIRATTA, J.

JULY 19, 2024/akc