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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 8728/2023 and CRL.M.A. 32602/2023
ANURAG SAXENA AND OTHERS Petitioners
Through: Mr. Amit Shukla, Advocate

versus

THE STATE GOVT OF NCT OF DELHI & ANR.

..... Respondent
Through: Mr.Aashneet Singh, APP for State with
SI Amit Malik
Respondent No.2 alongwith her mother, SPA
Holder through V.C.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
30.01.2024

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1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No.492/2021 registered under Sections 509/34 IPC and Section 12 POCSO Act at P.S. Vivek Vihar, Delhi on the ground that the parties have amicably settled their disputes.
2. As per the allegations levelled in the FIR, the petitioners abused respondent No.2.
3. Learned APP for the State submits that in the present case the petitioners are the only accused persons and respondent No.2 is the only complainant/victim. It is further stated that chargesheet has been filed under Sections 354D/509/34 IPC and Section 12 POCSO Act.
4. Learned counsel for the petitioners submits that the parties have entered into a settlement vide Memorandum of Settlement dated 08.11.2023. It is further stated that in the present proceedings, respondent No.2 is being



represented by her mother, who is also the SPA holder. In terms of the settlement, respondent No.2 is now left with no claim whatsoever against the present petitioners.

5. During the course of submissions, learned counsel for the petitioners stated that petitioner No.1 and mother of respondent No.2 were married however, on account of certain serious matrimonial disputes, divorce proceedings were filed, which are pending adjudication. It is further submitted that due to the aforesaid reasons, several cases (both civil and criminal) came to be filed, including the present matter. He has also drawn attention of the court to the statement of respondent No.2 recorded under Section 164 Cr.P.C., to state that a bare perusal of the same would show that no case is made out against the petitioners under Sections 509/34 IPC and Section 12 POCSO Act. It is stated that when petitioner No.1, being the father of respondent No.2, objected to the dressing sense of respondent No.2 and going out with her friends, respondent No.2 misunderstood it as a case of stalking, due to the matrimonial disputes between petitioner No.1 and mother of respondent No.2.

6. The petitioners, who are present in the Court, have been identified by their counsel as well as by the Investigating Officer. The child victim/respondent No.2 (who is major now) as well as her mother, who is also the SPA holder, have joined the proceedings through V.C., and have been identified by the Investigating Officer.

7. Respondent No.2, who has appeared through V.C., states that she has authorized her mother through the SPA to enter into the aforesaid Memorandum of Settlement dated 08.11.2023, which has been entered into out of their own free will, volition and without any coercion. They further



states that they have no objection if the present FIR and consequent proceedings are quashed.

8. Learned counsel for the petitioners submit that no other proceedings are pending between the parties.

9. The parties shall remain bound by the statements made in Court today.

10. In view of the above facts and since no useful purpose will be served in continuance of the present criminal proceedings, it is directed that the aforesaid FIR and the consequent proceedings arising therefrom are hereby quashed.

11. With the above directions, the petition is disposed of.

MANOJ KUMAR OHRI, J

JANUARY 30, 2024

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