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

+ **CRL.M.C. 6620/2024**

SARITA & ORS.

.....Petitioners

Through: Ms. Ila Sheel, Mr. Sanjeev Gupta
(D/3879/2018) and Mr. Meenesh
Dubey, Advocates along with
Petitioners in person.

versus

STATE (GOVT. OF NCT OF DELHI) & ORS.Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for
the State.
SI Ajit Krishna, D-2877, Gokulpuri
Complainant in person.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

05.09.2024

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1. The Petitioners have approached this Court for quashing FIR No.263/2012 dated 17.07.2012, registered at Police Station Gokal Puri for offences punishable under Sections 363/368/366/366A/343/354/506/120B IPC on the ground that the parties have entered into a settlement. A settlement has been arrived at between the parties *vide* a Memorandum of Understanding (MoU) dated 10.07.2024 which has been annexed at Annexure P-5 of the petition.

2. The facts of the case reveal that the present FIR was registered on the statement of the father of the Respondent No.3/Prosecutrix stating that Prosecutrix is missing. It is stated that after investigation, the Prosecutrix



was recovered at Auraiya Bus Stand, UP on 22.07.2012 and she was, thereafter, brought to Delhi and her medical examination was conducted at GTB, Hospital, Delhi. It is stated that the statement of the Prosecutrix under Section 164 Cr.P.C was recorded wherein the Prosecutrix stated that she had gone to her Aunt's house at Auraiya with her maternal grandfather. It is stated that the Aunt of the Prosecutrix made her met with a person named Kallu and she took the Prosecutrix to the field. It is stated that in the field, the person Kallu outraged the modesty of the Prosecutrix. On the said statement of the Prosecutrix, the present FIR was registered against the Petitioners under Sections 363/368/366/366A/343/354/506/120B IPC.

3. It is stated that the Prosecutrix has now become major and she is married for the last five years.

4. The present case came up before this Court on 23.08.2024 and this wanted to see the testimony of the Prosecutrix and, therefore, this Court had directed the learned Counsel for the Petitioner to file the testimony of the Prosecutrix. Today, the testimony of the Prosecutrix has been placed before this Court. The testimony of the Prosecutrix reveals that the Prosecutrix has turned hostile and she has backed out of all her statements given to the Police earlier.

5. It is stated that all the parties are related to each other. No offence under Section 376 IPC and under the POCSO Act has been invoked. A reading of the material on record indicates that no offence under Section 376 IPC or under the POCSO Act is made out. On a reading of the testimony of the Prosecutrix, *prima facie* no offence under Sections 354 IPC is also made out.

6. Today, the parties are present in Court. The Petitioners have been



identified by their Counsel and the Investigating Officer. The Prosecutrix has been identified by the Investigating Officer. The Prosecutrix states that she has settled all her disputes with the Petitioners out of her own free will, without pressure, coercion or undue influence and states that she does not want to pursue the present case any further and requests that the present FIR and the proceedings emanating therefrom may be quashed. The parties undertake that they will remain bound by the settlement and proceedings recorded before this Court.

7. Considering the fact that the parties have amicably settled their disputes and the present case is squarely covered under the law laid down by the Supreme Court in Gian Singh v. State of Punjab, (2012) 10 SCC 303, this Court is satisfied that no useful purpose would be served in continuing with the present proceedings. Resultantly, the FIR No.263/2012 dated 17.07.2012, registered at Police Station Gokal Puri for offences punishable under Sections 363/368/366/366A/343/354/506/120B IPC and the proceedings emanating therefrom are hereby quashed

8. The petition stands disposed of in above terms, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

SEPTEMBER 5, 2024

S. Zakir