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

+ **CRL.M.C. 6659/2024**

SHIV PRAKASH GUPTA @SHIV PRAKASH & ORS.

.....Petitioners

Through: Ms. Jyoti Gupta with Mr. Naveen
Singla, Advocates with Petitioners-
in-person

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Shoaib Haider, APP for the State
with W/SI Surabhi (D-6194), P.S:
Mandawali.
Respondent No.2 in person

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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27.08.2024

CRL.M.A. 25415/2024 (Exemption)

Allowed, subject to all just exceptions.

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1. The Petitioners have approached this Court for quashing FIR No.283/2015 dated 30.03.2015 registered at Police Station Mandawli Fazadpur for offences under Sections 323, 354, 186, 353 & 34 IPC on the ground that the parties have entered into an amicable settlement.
2. The FIR was registered on the complaint given by Respondent No.2 stating that at around 11:00 PM, two boys, who were under the influence of alcohol came near the Complainant, used vulgar language and molested her.

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It is stated in the FIR that when the Complainant saw a Policeman nearby, she complained about the incident to him. However, it is stated that the accused overpowered the Policeman and manhandled him.

3. The Petitioners have now approached this Court for quashing the instant FIR on the ground that they have entered into a settlement with the Complainant/Respondent No.2 before the Delhi Mediation Centre, Karkardooma Courts, Delhi, on 22.04.2024.

4. As per the settlement, the Complainant states that she has decided to forgive the Petitioners as she has no grievance left against them and she has agreed to settle all her disputes amicably. It is stated that Respondent No.2/Complainant does not have any objection to quashing of the FIR and all the proceedings emanating therefrom in terms of the aforesaid settlement.

5. It is stated that during the pendency of the trial, one of the accused, namely, Nitin Kumar Gupta has passed away on 17.09.2022.

6. The Petitioners and the Complainant/Respondent No.2 are present in Court today. The parties have been identified the Investigating Officer. The Complainant states that she has settled all her disputes with the Petitioners out of her own free will, without pressure, coercion or undue influence and does not want to pursue the present case any further. She requests that the present FIR and the proceedings emanating therefrom may be quashed. The parties undertake that they will remain bound by the terms of the settlement arrived at between them and the proceedings recorded before this Court.

7. Though the offences alleged against the Petitioners are serious in nature but considering the fact that the parties have entered into a settlement and in view of the fact that the Prosecutrix has decided to forgive the Petitioner, this Court is inclined to quash the present FIR. Resultantly, FIR



No.283/2015 dated 30.03.2015 registered at Police Station Mandawli Fazadpur for offences under Sections 323, 354, 186, 353 & 34 IPC and the proceedings emanating therefrom are hereby quashed. The parties shall remain bound by the terms of the settlement and the undertaking given to the Court.

8. Considering the nature of allegations against the Petitioners, this Court is of the opinion that the Petitioners cannot be let off easily only because the Complainant/Respondent No.2 has decided to forgive them and has entered into a settlement with the Petitioners. The Petitioners have to atone for their sins and must realize that they cannot take the Courts for granted. This Court, therefore, feels that the Petitioners must do some community service to atone for their sins.

9. Accordingly, the Petitioners No.2, 3 and 4 are directed to do community service at Safdarjung Hospital for a period of one month, i.e., from 01.09.2024 to 30.11.2024. The Petitioners are directed to report to the Medical Superintendent, Safdarjung Hospital and shall perform such duties as assigned to them at Safdarjung Hospital from 09:00 AM everyday for a period of one month and they shall obtain a certificate from the Medical Superintendent, Safdarjung Hospital, after the completion of one month of community service. The Petitioners shall file the copy of the certificate before this Court to show compliance of the order of this Court.

10. In case of any absenteeism/default or any misbehaviour on the part of the Petitioner, the same shall be conveyed immediately to the concerned SHO/IO, who shall in turn inform the learned APP for the State, for bringing the same to the notice of the Court and for seeking recall of the orders passed today.



11. Petitioner No.1 is directed to plant 25 trees in his locality and nurture them. The Investigating Officer is directed to ensure that the trees are planted by Petitioner No.1 and a Compliance Report regarding the same shall also be filed before this Court with six weeks from today.

12. The Petitioners are warned not to indulge in such offences in future. It is made clear that if the Petitioners repeat such acts in future, the Courts will not take a lenient view and will punish the Petitioners accordingly.

13. With the above directions, the petition is disposed of along with all the pending application(s), if any.

SUBRAMONIUM PRASAD, J

AUGUST 27, 2024

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