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

+ **W.P.(CRL) 8/2024**

RAVI SHARMA

..... Petitioner

Through: **Mr. Naresh Kumar, Advocate.**

versus

STATE NCT OF DELHI AND ANR.

..... Respondents

Through: **Mr. Anand V. Khatri, ASC for the
State with SI Abhishek Dehraj,
DIU/North-West.**

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

% **21.05.2024**

CRL.M.A. 15952/2024 (seeking early hearing)

1. The present application under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of the petitioner seeking pre-ponement of the next date of hearing in the instant writ petition.
2. Having heard, learned counsel appearing on behalf of the petitioner, the next date of hearing is preponed, and the writ petition is taken up for hearing, today itself.
3. The application is allowed and accordingly disposed of.

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4. The present writ petition under Article 226 of the Constitution of India read with Section 483 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of the petitioner seeking quashing of FIR bearing No. 1239/2022, registered at Police Station Mahendra Park, for offences punishable under Sections 323/354/354A/354B/506/509/34 of the



Indian Penal Code, 1860 ('IPC').

5. Issue notice. Learned ASC appearing on behalf of the State accepts notice.

6. The parties are present before this Court and have been identified by their counsel and Investigating Officer concerned.

7. Brief facts of the case are that on 18.11.2022, at about 07:45 PM, the complainant had gone to the Bhamashah Park and was sitting on the bench in the park. It is stated that one person, aged about 40-42 years had come and sat beside her, and started touching her inappropriately and had started commenting her with bad remarks. It is further stated that thereafter, another person came and started misbehaving with the complainant and had hit his hand on her chest and started pulling her clothes. Upon hue and cry being raised by the complainant, many people had gathered there, and started beating the accused persons. The accused persons were brought to the Police Station. It is further stated that on 18.11.2022, the accused persons had joined the investigation, and upon the complaint by the complainant, the FIR got registered at P.S.: Mahendra Park. It is further stated that the matter has been amicably settled between the parties and a settlement deed was executed in that regard. Hence, the present petition has been filed.

8. On a query made by this Court, respondent no.2 who has been identified by the IO, has categorically stated that she has entered into compromise out of her own free will and without any pressure, coercion or threat. It is also stated by respondent No.2 that the entire dispute has been amicably settled between the parties.

9. This Court has heard arguments addressed on behalf of both the parties and has perused the statement under Section 164 of the Cr.P.C. The



complainant who is present before this Court, states that she had lodged the present complaint due to misunderstanding regarding the identity and the said FIR got registered.

10. It is also pertinent to mention that this case has been going on for about 2 years and charge-sheet has not yet been filed. In these circumstances, this Court finds it appropriate to impose costs of Rs. 20,000/- on the petitioner, to be deposited with the Employees Welfare Fund, District Courts; and costs of Rs. 10,000/- on the complainant, to be deposited with the Employees Welfare Fund, Delhi High Court, within 10 days from today.

11. Accordingly, FIR bearing No. 1239/2022, registered at Police Station Mahendra Park, for offences punishable under Sections 323/354/354A/354B/506/509/34 of the IPC and all consequential proceedings emanating therefrom are quashed.

12. The petition stands disposed of.

13. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MAY 21, 2024/at

Click here to check corrigendum, if any