



2024:DHC:7792



\$~35

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 07.10.2024

+ CRL.M.C. 7075/2024

ANIL MINOCHA

.....Petitioner

Through: Mr.Anand Kr. Pandey, Ms.Sabina,
Ms.Sanya Bhatia, Mr.Kaushal Kishor
and Mr.M.Theepa, Advocates with
petitioner in person.

versus

THE STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms.Manjeet Arya, APP for State with
SI Neeraj Kumar, P.S. Subhash Place.
Respondent No.2 through VC.

CORAM:**HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

%

J U D G M E N T**ANOOP KUMAR MENDIRATTA, J (ORAL)**

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.0353/2014, under Section 509 IPC, registered at P.S.: Subhash Place. Chargesheet has been filed under Sections 354/354A/354D/506 IPC.
2. Issue notice. Learned APP for the State alongwith respondent No.2 through VC appear on advance notice and accept notice.
3. In brief, as per the case of prosecution, complainant/respondent no. 2 alleged that petitioner used to touch her inappropriately and engaged in vulgar conversations while she was working in Global Device Company, Netaji Subhash Place. Further, in December, 2013, petitioner called



2024:DHC:7792



respondent no. 2 near Inderlok Metro Station and forcefully made her sit in his car wherein he again inappropriately touched her. She also stated that no action was taken against the petitioner despite reporting the alleged incidents to the Managing Director.

4. Learned counsel for the petitioner submits that complaint is outcome of differences between the parties in respect of duties assigned to respondent no. 2. The matter is stated to have been amicably settled between the parties. He further points out that petitioner is aged about 62 years and has clean past antecedents.

5. Respondent No.2 (through VC) submits that disputes have been amicably settled between the parties and she has no objection for quashing of FIR, as the same shall promote harmony between the parties.

6. 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.

7. 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.

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



2024:DHC:7792



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.

9. Petitioner in person and respondent No. 2 (through VC) have been identified by SI Neeraj Kumar, PS: Subhash Place. 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 also states that she has no objection in case the FIR in question is quashed.

10. Petitioner and respondent No. 2 intend to put quietus to the proceedings. The settlement shall promote harmony between the parties. 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.

11. 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. It would be nothing but an abuse of the process of Court. Consequently, FIR No.0353/2014, under Sections



2024:DHC:7792



354/354A/354D/506 IPC, registered at P.S.: Subhash Place and proceedings emanating therefrom stand quashed.

12. In the facts and circumstances, instead of imposing the costs upon the petitioner, he is directed to plant 30 saplings of Neem / Jamun trees, which are upto 03 feet in height in the area of P.S.: Subhash Place 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.: Subhash Place. 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 learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J

OCTOBER 07, 2024/v