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

+ **CRL.M.C. 7297/2024, CRL.M.A. 27853/2024**

JAGBIR SINGH

.....Petitioner

Through: Mr. Deepanshu Mahajan, Adv. (VC)
Mr. Joni Kr. Sharma, Mr. Kunal
Parsad, Mr. Suresh Vashist, Ms.
Baljinder Kaur, Adv.

versus

THE STATE OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Satish Kumar, APP for State with
SI Jitender Singh, PS Burari
Ms. Vandana Dhoundiyal, Adv. for
R-2 (VC)
Complainant through VC
Mr. Rohit Baisla, Adv.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

13.09.2024

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1. The present petition has been filed under Section 528 of BNSS for quashing of FIR no. 243/2016 under Section 354/354A/354D/506/419/420/ 468/471 IPC registered at PS Burari. The FIR was lodged on the complainant wherein she has alleged that she has been receiving vulgar messages on her mobile number 9810116917. On this, the FIR no. 243/2016 under Section 354(D) was lodged. After investigation, the charge-sheet was filed under Section 354/354A/354D/506/419/420/468/471 IPC.



2. However, the parties state that they have entered into a settlement as recorded vide Compromise / Settlement Deed dated 29.07.2024 on the following terms and conditions:-

“And whereas First Party does not know the accused person i.e. Second Party and on the intervention of the family and respectable persons of the society, both the parties have settled their disputes amicable out of court without any coercion, pressure and undue influence from any corner whatsoever.

AND WHEREAS, First Party undertakes not to proceed any further proceedings in the aforementioned FIR No.243/2016 against the Second Parties who is an accused persons in the aforesaid FIR and thus no dispute remains pending between the parties. The First Party also undertakes to appear in the any court of law i.e. Delhi High Court or another court as and when required or called for her statement.

And Whereas it is also agreed that the First Party will not file any case against the second party in future and the all disputes will be settled between the parties with this MOU.

And Whereas this MOU would be binding on the both the above mentioned parties and any party.

And whereas both parties have understood the terms and conditions of the settlement in vernacular.”

3. The complainant has appeared through VC. The complainant stated that now she resides in London and does not want to proceed with the present complaint. The complainant states that at the time of lodging of the FIR, she was not aware from whom she was receiving the obscene materials. The complainant states that she has entered into the settlement voluntarily without force, fear and coercion. Mr. Kewal Kumar Nailwal, father of the complainant also submits that her daughter i.e. the complainant has entered into the settlement voluntarily.



4. Learned APP for the State submits that though the FIR may be quashed under Section 354(D), but since the charge-sheet has been filed under Section 468/471 IPC, the proceedings may be allowed to continue.
5. I consider that there is no force in the contention of the learned APP. It was a private dispute which has been settled. Keeping such dispute pending would only add to the already burden of this Court.
6. In view of the above, FIR no. 243/2016 under Section 354/354A/354D/506/419/420/ 468/471 IPC registered at PS Burari and all the other proceedings emanating therefrom are quashed.
7. The present petition along with all pending applications stand disposed of.

DINESH KUMAR SHARMA, J

SEPTEMBER 13, 2024
JN/DG