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

+ **CRL.M.C. 7588/2024**

ASHUTOSH @ ASHU @ VAKIL

.....Petitioner

Through: Mr.Muddassir, Advocate (Through
VC)

versus

THE STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for
the State alongwith W/SI Vinod
Kapoor, P.S. Sagarpur
Mr.____, Advocate for complainant
(Appearance not given)

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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25.09.2024

CRL.M.A. 28985/2024

Exemption is allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 7588/2024

1. The instant petition under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") has been filed by the petitioner praying for quashing of FIR bearing No. 712/2015 registered at Police Station Sagarpur, for offences punishable under Sections 354A/354D/323/506/34 of the Indian Penal Code, 1860 (hereinafter "IPC").
2. The petitioner is present before this Court (through Video Conferencing) and has been identified by his counsel Mr.Muddassir and



Investigating Officer W/SI Vinod Kapoor, Police Station Sagarpur. The respondent No.2/complainant is also present in the Court (through Video Conferencing) and has been identified by her counsel and the Investigating Officer.

3. On the query made by this Court, respondent no.2/complainant has categorically stated that she has entered into compromise on her own free will and without any pressure. It is also stated by respondent No.2 that the entire dispute has been amicably settled between the parties.

4. The brief facts of the case are that on 10th September, 2015, a PCR call was received at Police Station, Sagarpur. This call was assigned to Head Constable Shyamlal No. 156/SW for taking appropriate action. When he reached at the spot i.e. RZ-129, Gali No. 2, Kailash Puri Extension, New Delhi, the injured involved in the quarrel was sent to the hospital and the complainant handed over a written complaint regarding the molestation. Subsequently, the aforesaid FIR got registered against the petitioner on 11th September, 2015.

5. With the intervention of family members and relatives, both the parties entered into a settlement on 4th September, 2024. The terms and conditions of the said settlement are mentioned in the settlement deed which is annexed as Annexure P-6 to the instant petition.

6. It is prayed by the learned counsel appearing on behalf of the parties that the instant FIR may be quashed on the basis of the compromise as per the Judgment of the Hon'ble Supreme Court passed in **Gian Singh vs. State of Punjab, (2012) 10 SCC 303**. At this juncture, the petitioner appearing in-person also undertakes to not repeat the same conduct in the future.

7. *Per contra*, Mr. Yudhvir Singh Chauhan, learned APP for the State



submitted that in case this Court is inclined to allow the instant petition and quash the FIR in question in view of the settlement arrived at between the parties, cost may be imposed upon the petitioner as the FIR was registered in the year 2015 and a period of more than 8 years of judicial time is wasted.

8. Heard learned counsel for the parties and perused the record.

9. Keeping in view the fact that parties have settled the matter as well as undertaking given by the petitioner, no useful purpose would be served by keeping the matter pending. Hence, FIR bearing No. 712/2015 registered at Police Station Sagarpur, for offences punishable under Sections 354A/354D/323/506/34 of the IPC and consequent proceedings emanating therefrom are quashed.

10. The petition stands disposed of.

CHANDRA DHARI SINGH, J

SEPTEMBER 25, 2024

Dy/mk

Click here to check corrigendum, if any