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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 8651/2024 & CrI.M.A. 33078/2024 (exemption)
PREM KUMARPetitioner

Through: Ms. Divya Malhotra, Advocate

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents
Through: Mr. Satish Kumar, APP for the State
with SI Ramvir Singh, Police Station
Burari
Respondent No.2 in person

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER
05.11.2024

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1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") (earlier under Section 482 of Code of Criminal Procedure, 1973) has been filed by the petitioner praying for quashing of FIR bearing No.269/2019 registered at Police Station Burari, for offences punishable under Sections 354/354A/354D/506 of the Indian Penal Code, 1860 (hereinafter "IPC").
2. The petitioner is present before this Court and has been identified by his counsel Ms. Divya Malhotra and Investigating Officer Mr. Ramvir Singh, Police Station - Burari, Delhi. The respondent No.2/complainant is also present in the Court 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 the petitioner stalked the respondent no. 2 while she is going and returning from school. On 15th July, 2019, the petitioner held the respondent no. 2's hand, provided his mobile number and asked her to sit on his motorcycle, which worried the respondent no. 2 for many days. Accordingly, the aforesaid FIR was registered against the petitioner.

5. With the intervention of family members and relatives, both the parties entered into settlement dated 28th May, 2024. The terms and conditions of the said settlement are mentioned in the Memorandum of Settlement/Settlement Agreement which is annexed as Annexure P-E to the 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. Satish Kumar, learned APP for the State submitted that in case this Court is inclined to allow the instant petition and to 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 2019 and a period of more than 5 years of judicial time is wasted.

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

9. In the instant case, as stated above, the parties have reached at a



compromise and amicably settled the entire disputes without any pressure. In view of the settlement arrived at between the parties, undertaking given by the petitioner and the law laid down by the Hon'ble Supreme Court, no useful purpose would be served by keeping the matter pending.

10. Accordingly, the present petition is allowed and the FIR bearing No. 269/2019 registered at Police Station Burari, for offences punishable under Sections 354/354A/354D/506 of the IPC and consequent proceedings emanating therefrom are quashed subject to the deposition of the cost of Rs.10,000/- in the account of Army Central Welfare Fund, Saving Account No.520101236373338 (IFSC- UBIN0530778), Bank Name- Union Bank of India, Branch- Chandni Chowk, Delhi – 110006 within a period of two weeks.

11. The receipt to the payment of the aforesaid cost shall be furnished before the Registry as well as the Investigating Officer of this Court within two weeks. Receipt of the same be handed over to the Investigating Officer of the case.

12. Accordingly, the instant petition alongwith pending application(s), if any, stands disposed of.

CHANDRA DHARI SINGH, J

NOVEMBER 5, 2024
R/mk

Click here to check corrigendum, if any