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

+ **CRL.M.C. 9647/2024 & CRL. M.A. 37034-37/2024**

SH. NIYAZ ALAM

.....Petitioner

Through: **Mr. Manoj Kr. Sonkar, Advocate**

versus

**THE STATE GOVT. OF NCT OF
DELHI AND ANR.**

.....Respondents

Through: **Mr. Naval Kishore Jha, APP for the
State with SI Sachin, PS Badli
Mr. D.K. Yadav, Advocate for R-2
with respondent no. 2 in person.**

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

09.12.2024

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1. The present petition has been filed under Section 482 Cr. P.C. seeking quashing of FIR No. 01/2017 under Sections 354/354A/323 of the IPC registered at Police Station Badli, Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Issue notice. The learned APP for the State accepts notice. He submits that since the parties have arrived at a settlement, the State has no objection in case the subject FIR is quashed.
3. The petitioner as well as respondent no. 2 both (complainant) are present in Court. The parties have been identified by their counsel as well as the Investigating Officer.



4. The brief facts of the case are that on a statement made by respondent no. 2 alleging that on 31.12.2016 the petitioner came to respondent no. 2's house and molested her, the aforesaid FIR came to be registered.

5. During the pendency of the proceedings, out of intervention of the respectable persons, the matter was amicably settled between the petitioner and respondent no. 2 (complainant), the terms whereof were reduced into writing in the form of a Memorandum of Understanding dated 04.05.2023, copy of which has been annexed to the present petition. In the said MOU, it has been mentioned that the parties have settled all their differences. It is also stated that the respondent no. 2 shall cooperate with the petitioner for the quashing of the FIR.

6. The respondent no.2 who is present in Court, on a query posed by the Court, states that she has no objection in case the aforesaid FIR is quashed.

7. At this stage, it would be apt to refer to the observations of the Supreme Court in ***Gian Singh v. State of Punjab, (2012) 10 SCC 303: (SCC p. 340, para 58)***

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”

8. In view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.



9. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.
10. In the present case, the State machinery has been put into motion and considerable time and resources of the investigating agency have been spent in the investigation of the matter, it is deemed appropriate to impose cost of Rs.5,000/- on the petitioner. Accordingly, the petitioner is directed to deposit a cost of Rs.5,000/- within a period of two weeks from today with the Delhi State Legal Services Authority and the said amount should be utilized towards counselling / psychological support to be provided to POCSO victims requiring such assistance.
11. Consequently, the petition is allowed and the FIR No. 01/2017 under Sections 354/354A/323 of the IPC registered at Police Station Badli, Delhi alongwith all other proceedings emanating therefrom, is quashed, subject to deposit of cost of Rs. 5,000/- as aforesaid.
12. The receipt of payment of cost shall be furnished by the petitioner to the Investigating Officer concerned within a period of four weeks from today.
13. The petition stands disposed of in the above terms.

VIKAS MAHAJAN, J

DECEMBER 9, 2024
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