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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2238/2024**
IMRAN SHEIKH & ORS.Petitioners

Through: Mr. Rinku Yadav, Advocate with
petitioners in person.

Versus

THE STATE (NCT OF DELHI) & ANR.Respondents
Through: Mr. Utkarsh, APP for the State.
Respondent no. 2 in person.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

% **ORDER**
27.01.2025

1. The present petition has been filed under Section 482 Cr.P.C. seeking quashing of FIR No. 97/2021 under Sections 323/341/506/354D/34 IPC read with Section 12 POCSO Act registered at Police Station Sangam Vihar, New Delhi, along with all other proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. The petitioners as well as respondents/i.e., victim and the complainant are present in Court and have been identified by their respective counsel as well as by the IO.
3. The case of the prosecution in brief is that scuffle had taken place between the petitioners and respondent no. 2/victim in which the victim suffered simple injury, which led to the filing of the complaint by the sister of respondent no. 2 alleging misbehaviour as well against the petitioners.



4. During the pendency of the proceedings, the parties have arrived at a settlement, the terms whereof have been reduced into writing in the form of a Compromise Deed dated 02.02.2024, a copy of which is annexed as Annexure-C to the present petition.

5. This Court vide order dated 18.10.2024 had directed respondents “K” and “J” to file their own affidavits in support of the petition, if so advised.

6. Learned counsel appearing on behalf of the respondents submits that the affidavits have also been filed by the victim which form part of the record.

7. In the affidavits so filed, the said respondents have affirmed the averments made in the petition. The victim, who is present in Court, on query posed by the Court states that she has attained the age of majority, which fact is also confirmed by the IO who is present in Court.

8. Likewise, complainant who is the elder sister of the victim is also present in Court. She also affirms the factum of settlement. She further states that petitioners are neighbour. She states that in view of the settlement arrived at between the parties, she does not wish to prosecute the case any further.

9. In this regard, reference may advantageously be made to a decision of Co-ordinate bench of this Court in ***Jagdish Khatri vs. State of NCT of Delhi and Anr.***¹ wherein it was held as under:

4. The inherent power under Section 482 Cr. P.C. is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guidance engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In the case of Gian Singh v. State of Punjab (2012) 10 SCC 303, the Supreme Court has observed that in the exercise of its inherent power under Section 482, the High Court can quash

¹ 2023 SCC OnLine Del 1336.



FIR/Charge-sheet on the basis of alleged settlement except in cases of rape, murder, dacoity or the cases under the Special Statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc. It is a settled proposition of law that High Courts should exercise the power under Section 482 Cr. P.C. for quashing of criminal cases having overwhelmingly and predominantly civil flavour.

5. It has also been repeatedly held that the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. Reliance can be placed upon Madhavrao Jiwajirao Scindia v. Sambhajirao Chandrojiroo Angre, (1988) 1 SCC 692.

6. Respondent no. 2 is present in court and has duly been identified by the IO. She states that she has entered into the settlement voluntarily and she has no objection if the FIR is quashed. Affidavit of Respondent no. 2 has also been placed on record.

7. In view of the above, it appears that he is not going to support the case of the prosecution and the possibility of conviction is remote and bleak. In view of the matter, the continuation of the criminal proceedings would be an exercise in futility and it is an abuse of the process of the court. There would no purpose in continuing with the present proceedings and accordingly, the FIR No. 157/2017 under Sections 354 IPC registered at Police Station Sangam Vihar and all the other proceedings emanating therefrom are quashed.

8. The present petition stands disposed of.

(emphasis supplied)

10. 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.

11. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

12. Consequently, the petition is allowed and the FIR No. 97/2021 under Sections 323/341/506/354D/34 IPC read with Section 12 POCSO Act registered at Police Station Sangam Vihar, New Delhi, alongwith all other proceedings emanating therefrom, is quashed.

13. The petition stands disposed of in the above terms.

VIKAS MAHAJAN, J

JANUARY 27, 2025
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