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

+ CRL.M.C. 3146/2024

RAJ KUMAR@RAM KUMAR

.....Petitioner

Through: Mr. Gaurav Kochar, Adv. with
petitioner in person

versus

THE STATE NCT OF DELHI AND ANR.Respondents

Through: Mr. Pradeep Gahlot, APP for State
with SI Vineet PS Madhu Vihar

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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16.01.2025

1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.111/2017 under Sections 354 IPC & 4 POCSO registered at Police Station Madhu Vihar and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Notice was issued in the petition *vide* order dated 25.04.2024.
3. The brief facts of the case are that the present FIR came to be registered on a complaint made by the respondent no.2/complainant against the petitioner, who is stated to be real uncle of the respondent no.2. However, subsequently, it appears that the parties have arrived at a settlement and resolved all their controversies. The respondent no.2 is stated to be of 19 years of age and present in Court.
4. The petitioner, as well as, father of the respondent no.2, are present in Court and they have been identified by the Investigating Officer SI Vineet



PS Madhu Vihar.

5. The father of the complainant affirms that her daughter/respondent no.2 is the real niece of the petitioner. On a query posed by the Court, he submits that due to some misunderstanding, the present FIR came to be registered.

6. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of compromise deed dated 20.03.2024, which is annexed as Annexure A to the present petition.

7. It is a term of the settlement that the respondent no. 2 shall cooperate with the petitioner for quashing of the FIR. The respondent no.2 also, on a query posed by the Court, states that she has no objection in case the FIR is quashed.

8. 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 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

¹ 2023 SCC OnLine Del 1336.



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)

9. The parties are related to each other and the FIR is stated to be an outcome of a misunderstanding. Further, 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.



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

11. Consequently, the petition is allowed and the FIR No.111/2017 under Sections 354 IPC & 4 POCSO registered at Police Station Madhu Vihar alongwith all other proceedings emanating therefrom, is quashed.

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

VIKAS MAHAJAN, J

JANUARY 16, 2025

N.S. ASWAL