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

+ **CRL.M.C. 6401/2024**

MANJEET

.....Petitioner

Through: Mr. Rakesh Malviya, Mr. Manish Choudhary, Mr. Pritavi Paul Chatrath and Mr. Kirti Bhati, Advocates

versus

THE STATE (NCT) OF DELHI & ANR.

.....Respondents

Through: Mr. Aman Usman, APP for State with Inspr. Brahm Prakash, IFSO, Special Cell and IO/Inspr. Anita Sharma (Retd.)
Respondent No. 2 in present (through VC)

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
07.02.2025

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1. The present petition has been filed under Section 528 of BNSS, 2023 seeking quashing of FIR No. 81/2015 under Sections 354/384/506/509/201 IPC & Sections 66C, 67, 67A IT Act registered at Police Station EOW, South West District, New Delhi along with all other proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Issue notice. Learned APP appearing on behalf of the State accepts notice.
3. The petitioner is present in Court while the respondent no. 2 has joined through video conferencing. The parties have been identified by the petitioner's counsel as well as by I.O/ Inspr. Brahm Prakash, IFSO, Special



Cell, Police Station EOW, South West District, New Delhi.

4. The case of the prosecution is that the petitioner and respondent no. 2 were friends as they were studying together in Mandi, Himachal Pradesh. The respondent no. 2/complainant got the FIR registered alleging that the petitioner had misbehaved and threatened her while he visited her home in October, 2014. It was also alleged that the petitioner created a fake ID of respondent no.2/complainant on facebook where he uploaded inappropriate pictures of her.

5. During the pendency of the suit, the parties have arrived at a settlement, terms whereof were reduced into writing in the form of Memorandum of Understanding/Settlement Deed dated 28.05.2024, a copy of which is annexed as Annexure-P2 to the present petition.

6. It is recorded in the settlement that with the intervention of parties' respective relatives, doubts and misunderstandings have been eliminated and they have reached at an amicably resolution. It is also recorded in the settlement that the parties shall cooperate with each other for quashing of aforesaid FIR.

7. Learned counsel appearing for the petitioner submits that the FIR pertains to the year 2015 and now both the parties are married and have their respective families.

8. Respondent no. 2 who has joined through video conferencing, on a query posed by the Court, affirms the factum of settlement and states that she has no objection in case the aforesaid FIR is quashed.

9. At this stage, reference may advantageously be made to a decision of



Hon'ble Supreme Court in ***Shiji alia pappu & Ors. vs. Radhika & Anr.***¹

wherein it was held as under:

“1. Leave granted. This appeal arises out of an order passed by the High Court of Kerala at Ernakulam, whereby Criminal MC No. 3715 of 2010 filed under Section 482 of the Code of Criminal Procedure, 1973, with a prayer for quashing criminal proceedings in FIR No. 6 of 2010 alleging commission of the offences punishable under Sections 354 and 394 IPC, has been dismissed. The High Court has taken the view that the offences with which the appellants stand charged, are not “personal in nature” so as to justify quashing the pending criminal proceedings on the basis of a compromise arrived at between the first informant-complainant and the appellants. The only question that, therefore, arises for consideration is whether the criminal proceedings in question could be quashed in the facts and circumstances of the case having regard to the settlement that the parties had arrived at.

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19. Coming to the case at hand, we are of the view that the incident in question had its genesis in a dispute relating to the access to the two plots which are adjacent to each other. It was not a case of broad daylight robbery for gain. It was a case which has its origin in the civil dispute between the parties, which dispute has, it appears, been resolved by them. That being so, continuance of the prosecution where the complainant is not ready to support the allegations which are now described by her as arising out of some “misunderstanding and misconception” will be a futile exercise that will serve no purpose. It is noteworthy that the two alleged eyewitnesses, who are closely related to the complainant, are also no longer supportive of the prosecution version. The continuance of the proceedings is thus nothing but an empty formality. Section 482 CrPC could, in such circumstances, be justifiably invoked by the

¹ (2011) 10 SCC 705



High Court to prevent abuse of the process of law and thereby preventing a wasteful exercise by the courts below.”

10. The petitioner and the respondent no. 2 were friends and studying together and now they have their respective families. 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. Therefore, it is fit case where this Court should exercise its extraordinary jurisdiction in Section 528 BNSS, 2023 to quash the FIR.

11. Consequently, the petition is allowed and the FIR No. 81/2015 under Sections 354/384/506/509/201 IPC & Sections 66C, 67, 67A IT Act registered at Police Station EOW, South West District, New Delhi alongwith all other proceedings emanating therefrom, is quashed.

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

VIKAS MAHAJAN, J

FEBRUARY 7, 2025
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