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

+ CRL.M.C. 476/2024 & CRL M.A. 1931/2024

PRADEEP GUPTA & ORS.

.....Petitioners

Through: Mr. Lavenish Mendiratta and Mr.
Sanskar Aggarwal, Advocates with all
petitioners in person.

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Aman Usman, APP for the State
with respondent no. 2 in person.
SI Bharat Singh, PS Uttam Nagar and
ASI Parveen, PS Special Branch

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

30.01.2025

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1. The present petition has been filed under Section 482 Cr. P.C. 1973 seeking quashing of FIR No. 288/2019 under Sections 323/342/354/354(B)/509/506/34 IPC registered at Police Station Uttam Nagar, 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. He submits that since the parties have arrived at a settlement they have no objection in case the present FIR is quashed.
3. However, learned APP further submits that some cost may be imposed on the petitioners as considerable time and effort has been spent on



the investigation and judicial time has also been wasted.

4. The petitioner as well as respondent no. 2 (complainant) are present in Court and they have been identified by their respective counsel and also by the I.O/ SI Bharat Singh, PS Uttam Nagar, New Delhi.

5. The FIR was registered at the instance of respondent no. 2, who was working as a receptionist at the gym owned by the petitioners, with the allegations that petitioners misbehaved with her on 07.05.2018. When her family members came to save her the petitioners started beating her brother and mother.

6. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Compromise Deed dated 15.07.2023, which is annexed as Annexure-P3 to the present petition.

7. It is recorded in the settlement that the parties have arrived at a settlement voluntarily without any force, coercion or fraud. It is also a term of the settlement that respondent no. 2 will cooperate with the petitioner for quashing of the aforesaid FIR.

8. Respondent no. 2 who is present in Court along with her mother as well as brother and her husband, 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. Likewise, the mother, brother and husband of respondent no. 2 have also affirmed the factum of settlement.

10. At this stage, apt would it be 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.”

11. 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.
12. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.
13. 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. 20,000/- each on the petitioners. Accordingly, the petitioners are directed to deposit a cost of Rs. 20,000/- each 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.
14. Consequently, the petition is allowed and the FIR No. 288/2019 under Sections 323/342/354/354(B)/509/506/34 IPC registered at Police Station Uttam Nagar, New Delhi, alongwith all other proceedings emanating therefrom, is quashed along with the pending application, subject to payment of cost as aforesaid, within a period of four weeks from today.



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

JANUARY 30, 2025
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VIKAS MAHAJAN, J