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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3262/2024**

KRISHNA @ JAI KRISHNA KUMAR SINGH @ JAGDISH

.....Petitioner

Through: Ms. Santosh Dixit, Advocate along
with Petitioner in person

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Sanjeev Bhandari, ASC (Crl.) for
the State along with Mr. Arjit Sharma
and Mr. Nikunj Bindal, Advocates
Respondent No. 2 in person

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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19.02.2025

1. This petition has been filed under Article 226 of the Constitution of India read with under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking quashing of F.I.R. No.377/2015 registered at Police Station (P.S) Harsh Vihar for offences under Section 354(A)/354(D)/504/506 of Indian Penal Code,1860 ('IPC') read with Section 12 of Protection of Children from Sexual Offences Act, 2012 ('POCSO').

Brief Facts

2. The present FIR was registered on 21.07.2015 on a complaint given by Respondent No. 2 alleging that the Petitioner, who was employed in factory behind her residence, had been following her while the complainant was commuting to school and tuition classes. It is further stated that the



Petitioner persistently attempted to converse with Respondent No. 2, coerced her to exchange contact details, took her photographs and insisted that she marry the Petitioner. The complainant further states that the Petitioner has been stalking her for approximately one month before the complaint was filed.

3. It is stated in the FIR that on one occasion, the Petitioner trespassed onto the complainant's rooftop and forcefully held her hand, prompting her to raise an alarm. It is stated that the complainant's father also received calls from the Petitioner, wherein he allegedly threatened and abused. Based on these allegations, the FIR was registered. It is stated that Petitioner was arrested on 22.07.2015 and on the next day i.e., 23.07.2015 he was produced before the Court of ASJ and was released on bail.

4. During the course of investigation, the date of birth of the Petitioner was verified i.e. 21.5.2000 and at the time of incident Respondent no. 2 herein was about 15 years of age.

5. It is stated that the Petitioner is presently 30 years old and Respondent No. 2 who is presently 25 years old have amicably settled their disputes vide Memorandum of Settlement dated 22.08.2024 wherein Respondent No. 2 has agreed to withdraw the FIR.

Submissions of Petitioner and the State

6. The Petitioner is present in Court and is identified by the learned counsel for the Petitioner and the Investigating Officer ('IO').

7. Respondent No. 2 is also present in Court and has been identified by the Investigating Officer ('IO').

8. Learned counsel for the Petitioner states that the parties have arrived at a settlement without any monetary consideration with the intervention of



the common acquaintances and therefore, prays for quashing. She states that the Petitioner is married and is blessed with a child; and he is working in a factory. She states that the incident in question is an isolated event and there is no other criminal case registered against the Petitioner and quashing of the present FIR will enable the Petitioner to live peacefully and in harmony with his family.

9. She states that Respondent No.2 as well is happily married and has a child. She states that since, they both have separately married to their respective partners and have moved on in their life, they have decided to settle the matter.

10. Learned standing counsel for the State states that the charge-sheet has been filed on 18.07.2017 and the matter is at the stage of recording prosecution evidence. He states that Respondent no. 2's evidence has not been recorded as yet. He states on instructions from the IO that other than this FIR, there is no other FIR pending against the Petitioner and the Petitioner works as a labourer in a factory. He states on instructions from I.O that the FIR was lodged after Petitioner had arguments with the father of Respondent No. 2.

Findings and Analysis

11. This Court has heard the parties and has perused the record.

12. This Court has interacted with Respondent No. 2 in the chamber in the presence of the IO and the Standing Counsel. The Respondent No. 2 confirms that she has amicably entered into the settlement without any threat, pressure or coercion and have no grievance in this regard.

13. She states that she is now 25 years old and has been married for almost 5 years and is blessed with a child and she does not wish to continue



with this matter and has amicably resolved her disputes, therefore, has no objection in case the FIR in question is quashed. She confirms that affidavit filed in support this petition has been signed by her without any force or coercion. During interaction, she was clear and assertive that she does not wish to pursue this complaint against the Petitioner as the pendency of the criminal proceedings interferes in the harmony of her matrimonial life.

14. It would be apposite to state that this Court, in **Abhay Kumar v. State NCT of Delhi & Anr**¹ in similar circumstances while exercising the power under Section 482 of the CrPC, has quashed the FIR for offence under Section 354A/354D of the IPC and Section 6 of the POCSO as the parties have entered into an amicable settlement. The Co-ordinate Bench has referred to judgment of Kerala High Court in **Vishnu v. State of Kerala & Anr. and other connected matters**² similar facts while exercising its jurisdiction.

15. In the aforementioned facts, where both the Petitioner and Respondent have married separate partners and are living peacefully with their family; this Court is of the opinion that quashing of the FIR will bring a quietus to the criminal proceedings and help the respective parties focus on their personal life. The unfortunate incident which led to the registration of the FIR is ten years old and the parties were young then and the Petitioner has clearly realised the folly of his actions. In the opinion of this Court, the settlement shall promote harmony and permit the parties to move forward in life. Also, the chances of conviction are bleak in view of amicable settlement between the parties and the stand of the Respondent no. 2 that she

¹ CRL.M.C. 7061/2022 dated 19.07.2023

² 2022 SCC Online Ker 4361



does not wish to pursue this complaint, therefore, no useful purpose shall be served by continuing with the proceedings of the present FIR as it would be misuse of the process of the Court and an unnecessary burden on the State exchequer.

16. Pertinently, no other criminal involvement of the Petitioner has been brought to the notice of this Court, which lends credence to the submission of the Petitioner that the incident in question was an isolated event and would not be repeated in future.

17. Keeping in mind the peculiar facts of the case, this Court is of the considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 482 of the CrPC.

18. Accordingly, the petition is allowed. Consequently, the F.I.R. No.377/2015 registered at Police Station Harsh Vihar for offences Under Section 354(A)/354(D)/504/506 I.P.C. read with Section 12 POCSO Act and proceedings emanating therefrom, are quashed, *qua* the petitioner(s).

19. Parties shall abide by the terms of settlement.

20. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 19, 2025/rhc/akp/ms