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

+ **CRL.M.C. 9124/2024 & CRL.M.A. 34976/2024**

MANISH PRAKASH MISHRA

.....Petitioner

Through: Mr. Shubham Singh Rana, Mr. Rajat Gaba and Mr. Saurabh Dahiya,
Advocates

versus

STATE OF NCT OF DELHI & ORS.

.....Respondent

Through: Mr. Utkrash, APP for the State with
SI Ankita Senger, PS Safdarjung
Enclave
Mr. Siddharth Methani, Advocate for
R-2, R-3 and R-4 with respondents in
person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

31.01.2025

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1. This petition has been filed by the Petitioners under Section 528 BNSS, 2023 seeking quashing of FIR No. 168/2024 registered under Sections 354/354D/506 IPC read with Section 8/12 of the POCSO Act registered at Police Station Safdarjung Enclave, New Delhi along with all other proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Notice was issued by this Court *vide* order dated 27.11.2024.
3. The petitioner, as well as, private respondent nos. 2 to 4 are present in Court and they have been identified by their respective counsel, as well as,



by the I.O/ SI Ankita Senger who is present in Court from the Police Station Safdarjung Enclave, New Delhi.

4. The aforesaid FIR came to be registered on the complaint of victim/respondent no. 2 alleging misbehaviour against the petitioner.

5. During the pendency of the proceedings, the parties are stated to have arrived at a settlement, terms whereof have been reduced in writing in the form of Compromise Deed dated 29.10.2024, which is annexed as Annexure-P4 to the present petition.

6. It is a term of the settlement that the both parties with the intervention of common friends, respectable persons of both the families have amicably resolved all their disputes and the respondent no. 2 now does not wish to prosecute the present FIR. It is also a term of the settlement that the respondent no. 2 shall cooperate with the petitioner in quashing of the aforesaid FIR.

7. On a query posed by the Court, the petitioner states that he is pursuing B. Sc. (Biomedical Science) from the Delhi University. Likewise, the respondent no. 2 is also a student.

8. Having regard to the fact that both the petitioner and the respondent no. 2 are students and pursuing their respective studies and further considering the fact that there is an amicable resolution to the controversy, this Court finds that no useful purpose will be served in prosecuting the present case.

9. Respondent no. 2 present in Court, affirms the factum of settlement and states that she has no objection in case the aforesaid FIR is quashed.

10. 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 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*

¹ 2023 SCC OnLine Del 1336.



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)

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. Consequently, the petition is allowed and the FIR No. 168/2024 registered under Sections 354/354D/506 IPC read with Section 8/12 of the POCSO Act registered at Police Station Safdarjung Enclave, New Delhi alongwith all other proceedings emanating therefrom, is quashed.

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

VIKAS MAHAJAN, J

JANUARY 31, 2025
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