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

+ **BAIL APPLN. 4373/2024**

RAHISUDDIN MALIK

.....Petitioner

Through: Mr. Abhay Kumar, Advocate

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Rupali Bandhopadhyaya, ASC for
State with ASI Shyam Sunder, SI
Naveen Yadav and Inspector Manjeet
Singh, PS New Friends Colony

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

08.05.2025

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[Physical Hearing/Hybrid Hearing (as per request)]

1. At the outset, learned ASC has produced before me a copy of order dated 13.02.2025 of the ACJM South-East whereby the offences under Section 406/420 IPC pertaining to which the present Bail Application is pending have been compounded by the complainants. That being so, the present Bail Application has become infructuous, so it stands disposed of.

2. But this case raises a quite discomfoting issue *qua* the manner in which mediation proceedings were carried out before the Mediation Centre, Delhi High Court.

2.1 The present applicant was accused in FIR No. 397/2022 of PS New



Friends Colony for offence under Section 406/420 IPC. At the same time, on the complaint of the present applicant, FIR No. 396/2022 was registered by PS New Friends Colony for offences under Section 363/354/506/34 IPC and Section 10 POCSO Act.

2.2 The mediator, completely ignoring the seriousness of the offences under FIR No.396/2022, recorded the settlement dated 13.02.2025 that both parties shall not take any action against each other and retraction from the said settlement would entail contempt proceedings.

2.3 Further, in their status report, the respondent State had even listed the cheated amount against each of the victim in a table and the predecessor bench in order dated 04.03.2025 observed that the Mediation Centre did not disclose the amount paid, so the parties were directed to disclose the amount paid. The said disclosure was never made, but in view of compounding of the offences of cheating and criminal breach of trust, the non disclosure pales into insignificance.

2.4 The issue required to be flagged before the authorities controlling the Mediation Centre, Delhi High Court is as regards the manner in which such heinous offences, including the one under POCSO Act were allowed to be settled by the mediator, recording that neither side shall take any action and failure to adhere to the mediation settlement dated 13.02.2025 would entail contempt proceedings.

2.5 Copy of this order be sent to the Incharge, Mediation Centre Delhi



High Court to be submitted before the concerned Committee of Hon'ble Judges.

GIRISH KATHPALIA, J

MAY 8, 2025/as

[Click here to check corrigendum, if any](#)