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

\# **CNR No. DLHC010480612026**

\+ CRL.M.C. 7479/2026 & CRL.M.A. 31292/2026 STAY

BIRENDER KUMAR .....Petitioner

Through: Mr. Keshav Kumar, Advocate through VC
Petitioner is present in person

versus

STATE NCT OF DELHI AND ANR .....Respondents

Through: Mr. Satish Kumar, APP with Ms. Akanksha Mehta, Mr. Shakti Tripathi & Ms. Tanya, Advocates
SI Rohit & SI Ishwar Singh PS South Avenue
Respondent No. 2 is present through VC

CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

JUDGMENT (ORAL)

RAVINDER DUDEJA, J.

CRL.M.A. 31293/2026 (EXEMPTION)

1. Allowed, subject to all just exceptions.

2. The application accordingly stands disposed of.

CRL.M.C. 7479/2026

3. This is a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, seeking quashing of FIR No. 0038/2022, dated 23rd

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December, 2022, registered at P.S South Avenue, New Delhi under Sections 354(D)/354(A)/509 IPC and all proceedings emanating therefrom on the basis of settlement between the parties.

4. The factual matrix giving rise to the instant case is that the complainant alleged that the Petitioner, who was working in the same office, repeatedly stalked, followed and approached her despite her clear refusal to interact with him. It was alleged that the Petitioner repeatedly approached and contacted her through phone calls from different numbers and social media, followed her within and outside the office, visited the address of her residence, obstructed her way and, on certain occasions, touched her inappropriately and used abusive language. It was further alleged that despite repeated warnings and a prior police complaint, the Petitioner continued such conduct, causing harassment and insecurity to the complainant. Pursuant thereto, FIR No. 38/2022 was registered at PS South Avenue under Sections 354A/354D/509 IPC. Subsequently Chargesheet and supplementary chargesheet were filed.

5. During the course of proceedings, the parties amicably resolved their disputesand the terms of settlement were written in the form of a Memorandum of Understanding dated 18th August, 2026, wherein, the Petitioner issued an unconditional apology to Respondent No. 2. Copy of the Memorandum of Understanding dated 18th August, 2026 has been annexed.

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6. Petitioner is physically present before the Court, while Respondent No. 2 appears through VC. They have been identified by the learned counsel for the petitioner as well as by the Investigating Officer SI Ishwar Singh, from PS South Avenue.

7. Respondent No. 2 confirms that the matter has been amicably settled with the petitioners without any force, fear, coercion and she has no objection if the FIR No. 0038/2022 is quashed against the Petitioners.

8. In view of the settlement between the parties, learned Additional PP appearing for the State, also has no objection if the present FIR No. 0038/2022 is quashed.

9. In ***Gian Singh vs State of Punjab (2012) 10 SCC 303***, Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under: -

> *"61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings."*

10. In view of the above facts that the parties have amicably resolved their differences out of their own free will and without any

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coercion, it would be in the interest of justice, to quash the abovementioned FIR and the proceedings pursuant thereto.

11. In the interest of justice, the petition is allowed, and the FIR No. 0038/2022, dated 23th December, 2022, registered at P.S Bharat Nagar, Delhi under Sections 354(D)/354(A)/509 IPC Act and all the other consequential proceeding emanating therefrom is hereby quashed.

12. Petition is allowed and disposed of accordingly.

13. Pending application(s), if any, also stand disposed of.

RAVINDER DUDEJA, J

October 06, 2026
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