

Mahavir Singh & Ors vs Govt. Of Nct Of Delhi & Anr on 13 May, 2022

Author: Prateek Jalan

Bench: Prateek Jalan

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 1607/2022

MAHAVIR SINGH & ORS.

Through:

Mr. Anil Dabas, Advocate.

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versus

GOVT. OF NCT OF DELHI & ANR.

Through: Mr. Amit Chadha, APP for State

with ACP Mahesh, SHO/Narela &

SI Pooja, PS Narela.

Mr. Praveen Kumar, Advocate for

R-2.

..... Respondents

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% 13.05.2022

1. By way of this petition under Section 482 of the Code of Criminal Procedure, 1973 ["CrPC"], the petitioners seek quashing of FIR No. 902/2017, dated 27.11.2017, registered at Police Station Narela, under Sections 323/354/34 of the Indian Penal Code, 1860 ["IPC"] and Section 8 of the Protection of Children from Sexual Offences Act, 2012 ["POCSO Act"].

2. Mr. Anil Dabas, learned counsel for the petitioners, submits that the FIR was registered at the instance of the respondent No. 2 in respect of an incident which occurred on 27.11.2017, when the respondent No. 2 was 17 years old. He submits that the parties reside in the same premises. The petitioner no. 1 is the landlord of the complainant's family. The petitioners no. 2 and 3 are his son and his wife, respectively. The FIR was registered as a result of a minor dispute between the parties regarding cleaning of a washroom. Mr. Dabas submits that the parties have since entered into a settlement and the respondent No. 2 has agreed not to proceed with the complaint.

3. All the parties are present before the Court. They are duly identified by their respective counsel as well as by the Investigating Officer. All of them confirm that they have entered into the settlement voluntarily, and without any pressure or coercion from any party. They further submit that the pendency of the FIR against them is interfering with their personal life and their peaceful

co-existence in the same vicinity.

4. The power of the Court to quash criminal proceedings on the ground of a settlement has been considered by the Supreme Court in a number of cases. While emphasising that the exercise of the power under Section 482 of the CrPC in a particular case would depend upon the facts and circumstances of the case, and no hard and fast categorisation is possible, the Supreme Court in *Gian Singh vs. State of Punjab and Another* (2012) 10 SCC 303 [paragraph 58] observed that the wrong is basically to the victim and the quashing of criminal proceedings in such a case may be appropriate even if the offences have not been made compoundable. Similarly, the guidelines laid down in *Narinder Singh and Others vs. State of Punjab and Another* (2014) 6 SCC 466 [paragraph 29.4] contemplate that FIRs in cases where there is/was a pre-existing familial or other personal relationship between the parties may be considered in this context. Such proceedings can be quashed if it would meet the ends of justice or prevent the abuse of the process of the Court.

5. As far as the charge under Section 8 of the POCSO Act is concerned, the same has been quashed on grounds of compromise in several orders of this Court, where the facts and circumstances so require. Several such orders have been cited, including *Sh. Kailash Jha vs. The State NCT of Delhi and Another* [order dated 21.04.2022 in CRL.M.C. 3291/2021], *Nadeem Ahmad and Others vs. The State NCT of Delhi and Another* [order dated 17.12.2021 in W.P.(CRL) 390/2022] and *Lal Babu Pandey vs. The State (NCT of Delhi) and Another* [order dated 06.03.2020 in CRL.M.C. 1324/2020].

6. In the facts and circumstances of the present case, I am of the view that this discretion may be exercised in the petitioners' favour. It appears that the parties had some misunderstanding, as a result of which the incident in question took place, and the subject FIR came to be registered. A perusal of the charge sheet reveals that no incident of a sexual nature was revealed by the prosecutrix in her statement under Section 164 of the CrPC. As the parties are neighbours, the pendency of the criminal proceedings also has the potential of hindering the process of restoring peace. The parties having entered into a voluntary settlement, the likelihood of conviction is also much diminished. In these circumstances, I am of the view that no useful purpose would be served in keeping the criminal proceedings pending and it would be in the interest of justice to quash the FIR at this stage.

7. For the reasons aforesaid, the petition is allowed, and FIR No. 902/2017, dated 27.11.2017, registered at Police Station Narela, under Sections 323/354/34 of the IPC and Section 8 of the POCSO Act, and all proceedings emanating therefrom, stands quashed.

PRATEEK JALAN, J MAY 13, 2022/'pv' Click here to check corrigendum, if any