

# Sh Kailash Jha vs The State Nct Of Delhi & Anr on 21 April, 2022

**Author: Yogesh Khanna**

**Bench: Yogesh Khanna**

\$~53

\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ CRL.M.C. 3291/2021  
SH KAILASH JHA

..... Pe  
Through: Mr.P.K.Pandey, Advocate  
petitioner.

versus

THE STATE NCT OF DELHI & ANR. ....  
Through: Mr.Mukesh Kumar, APP with S  
Vijay Kumar, PS Jaitpur.  
Mr.A.K.Dey, Advocate  
respondents No.2 & 3 with b  
respondents in person.

CORAM:  
HON'BLE MR. JUSTICE YOGESH KHANNA  
ORDER

% 21.04.2022

1. Petitioner file this petition for quashing of the FIR No.487/2021 under Section 354 Indian Penal Code and Section 8 of the POCSO Act registered at police station Jaitpur against him and the proceedings emanating therefrom, which was got registered by the respondent No.2. The respondent No.3 is the victim.

2. The FIR pertains to the incident dated 23.10.2021 on the allegation the petitioner outraged the modesty of respondent No.3 which she disclosed to respondent No.2 and then he reported the matter to police. The parties are neighbours to each other living in same vicinity. The cross FIR at the same police station was also registered by the wife of petitioner against the respondent No.2 and it is alleged this FIR is a counterblast.

3. Due the intervention of respectable member of society, common friends and the remorse shown by petitioner, the respondents have settled the matter amicably with the petitioner per memorandum of understanding dated 03.12.2021 executed between the parties. The matter involving cross FIR of wife of petitioner herein also under Section 354 IPC has been settled and parties have filed quashing petition being Crl.M.C. No.3329/2021.

4. The complainant/respondent No.2 and victim / respondent No.3 have been duly identified by the Investigating Officer, states the matter has been settled with the petitioner and they have no objection if the FIR is quashed against the petitioner. The affidavits of parties are on record.

5. In Dendera Jain vs State & Another Crl.MC.No.6331/2019 decided on 22.01.2020 following was observed:-

6. Respondent no. 2, mother of the victim is personally present in Court and submits that the matter has been settled with the petitioner out of their free will, choice and without any kind of force, pressure or coercion from any corner and she has no objection, if the present FIR is quashed.

7. Prosecutrix is also present in Court and she submits that she is studying in 9th standard and she does not want to prosecute the petitioner any further as she wants to concentrate on her studies. Therefore, a compromise has taken place on her behalf by her mother with the petitioner. She has no objection if the present petition is allowed.

8. Respondent No. 2 is personally present in Court with her learned counsel - Ms. Jaswant Maan, Advocate and has been identified by SI Deepak/IO.

9. The petitioner and respondent no.2 have entered into an amicable settlement vide compromise deed dated 05.09.2018.

11. Similar issue came before the Co-ordinate Bench of this Court in CRL.M.C. 2006/2009 titled as „Kulpreet @ Manni vs. State and Anr. , whereby the Court vide its order date 22.05.2019 quashed the FIR bearing No.498/2015 registered at Police Station - Geeta Colony for the offences punishable under Sections 354/354A/354D/506/341/34 IPC and Sections 10/12 of the Protection of Children from Sexual Offences Act, 2012.

12. Taking into account the aforesaid facts, this Court is inclined to quash the FIR as no useful purpose would be served in prosecuting the petitioner any further.

13. FIR No. 561/2015 dated 12.09.2015 registered at Police Station - Geeta Colony, Delhi instituted for the offences punishable under Section 354A IPC and Section 8 of POCSO Act and all other proceedings emanating therefrom are quashed.

6. Considering the above settlement between the parties, there is no impediment in quashing of the FIR as complainant has settled all the disputes with petitioner and it would bring the peace in two families and put quietus all to the disputes, including the cross FIR. In view of the above, there is no use to continue with the proceedings against petitioner as it would never entail in conviction of petitioner.

7. Accordingly, the petition is allowed. Consequently, FIR No.487/2021 under Section 354 Indian Penal Code and Section 8 of the POCSO Act registered at police station Jaitpur and the proceedings emanating therefrom are quashed. Pending application, if any, also stands disposed of. No order as

to costs.

YOGESH KHANNA, J.

APRIL 21, 2022 M