

(2020) 01 DEL CK 0305

In the Delhi High Court

Case No : Criminal Miscellaneous Case No. 6331 Of 2019

Devendra Jain

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 22-01-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 341, 354, 354A, 354D, 506

Code Of Criminal Procedure, 1973 — Section

Protection of Children from Sexual Offences (POCSO) Act, 2012 — Section 8, 10, 12

Citation : (2020) 01 DEL CK 0305

Hon'ble Judges : Suresh Kumar Kait, J

Bench : Single Bench

Advocate : P.K. Trehan, Izhar Ahmad, Jaswant Maan

Final Decision : Allowed

Judgement

Suresh Kumar Kait, J

1. Vide the present petition, the petitioner seeks direction thereby quashing FIR No. 561/2015 dated 12.09.2015 registered at Police Station -Geeta Colony, Delhi for the offences punishable under Section 354A IPC and Section 8 of POCSO Act and all other proceedings emanating therefrom.

2. Notice issued.

3. Notice is accepted by learned APP for the State and counsel for the respondent no.2.

4. With the consent of the counsel for the parties, the present petition is taken up for final disposal.

5. The present petition is filed on the ground that the parties have settled their disputes and the respondent no. 2 has no objection if the present petition is allowed.

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.

10. Learned counsel for the petitioner prays that the present petition may be allowed.

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.

14. The petition is allowed and disposed of accordingly. Dasti.