
(2014) 04 DEL CK 0255
In the Delhi High Court
Case No : Crl. M.C. No. 1706 of 2014

Ravinder Kumar

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 04-04-2014

Acts Referred:

Penal Code, 1860 (IPC) — Section 323, 34, 354, 451
Protection of Children from Sexual Offences Act, 2012 — Section 12

Citation : (2014) 2 JCC 1210

Hon'ble Judges : Mukta Gupta, J

Bench : Single Bench

Advocate : Abhijaat, Mukesh Vatsa and Neeraj Dev Gaur, Advocate for the Appellant; Neeraj Kr. Singh, APP, Kailash, S.I., Zishan Alam Siddiqui, Advocate and Party-in-Person, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

Mukta Gupta, J.

Crl. M.A. 5692/2014

Exemption allowed subject to just exceptions.

Crl. M.C. 1706/2014

1. Notice. Learned APP for the State accepts notice. Notice is accepted by learned counsel for the Respondent No. 2. By this petition the Petitioner seeks quashing of FIR No. 28/2014 under Sections 354/451/323/34 I.P.C. & Section 12 of POCSO Act registered at PS Lodhi Colony on the ground that parties have settled the matter.

2. Respondent No. 2 is father of minor, whose name is being withheld, is identified by the learned counsel and the investigating officer. Respondent No. 2 on his behalf and on behalf of minor states that the matter has been settled between the parties as per the deed of settlement dated 31st March, 2014, copy

of which has been filed before this Court at page 28 to 31 and is Ex. "C". He states that the settlement has been arrived at between the Petitioner and Respondent No. 2, father of the complainant, of their own free will, volition, without coercion and seeing the overall welfare and interest of the minor. As the Petitioner has undertaken to abide by the terms of settlement, Respondent No. 2 and the complainant do not wish to pursue the abovementioned FIR and the proceedings pursuant thereto. The complainant who is a minor is also present in Court and is identified by the learned counsel and the investigating officer. She reiterates the version of her father.

3. The Petitioner who is present in Court and is identified by the learned counsel and the investigating officer states that he will abide by the terms of settlement arrived at between the parties and also the undertaking filed by him at page 32 of the Petition. He states that he would deposit a sum of Rs. 5 lakhs with the Juvenile Justice Fund within one week. He also states that he would leave the country within one week and will make no communication of any kind whatsoever whether telephonically or by social networking websites, or electronic/non-electronic medium to the complainant/minor. He states that the settlement has been arrived between the Petitioner and Respondent No. 2 out of his own free will, volition, without any threat, pressure or coercion.

4. In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, rather the same would create further acrimony between them, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question. Consequently FIR No. 28/2014 under Sections 354/451/323/34 I.P.C. & Section 12 of POCSO Act registered at PS Lodhi Colony and proceedings pursuant thereto are hereby quashed subject to the Petitioner depositing a sum of Rs. 5 lakhs as agreed between the parties which would satisfy the condition between the parties that the same is to be deposited to a NGO/Charitable organization working in the field of girl child/upliftment of weaker section of society. Copy of the receipt of the deposit with the Juvenile Justice Fund be filed in Court.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

The petition is disposed of. Order dasti.