

\$~40

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

+ CRL.M.C. 396/2022

CHANDAN SINGH @CHINTU

..... Petitioner

Through: Mr. Gaurav Singh, Advocate (Enrl. No.D-802/14) along with petitioner - in person (through VC).

versus

THE STATE AND ANR.

..... Respondents

Through: Mr. Amit Chadha, APP for the State with SI Bharat Singh, PS Pandav Nagar
Mr. Israily, Advocate for R-2 along with complainant - in person.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

%

31.01.2022

HEARD THROUGH VIDEO CONFERENCING

CRL.M.A. 1820/2022 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 396/2022

1. The instant writ petition under Section 482 Cr.P.C has been filed for quashing FIR No.94/2015 dated 04.02.2015, registered at Police Station Pandav Nagar for offences under Sections 452/354/354A/354D IPC on the ground that the parties have entered into an amicable settlement. The respondent No.2 is the complainant.

2. It has been alleged in the FIR that the petitioner has molested and

outraged the modesty of the complainant/respondent No.2. It has also been alleged that the petitioner/accused has harassed her by sending messages and making phone calls, and also threatened her with dire consequences. Thus, on the said complaint of the respondent No.2/complainant, the instant FIR was registered.

3. It is stated that the parties have settled all their disputes amicably before Delhi Mediation Centre, Karkardooma Courts, Delhi. A copy of Settlement Deed dated 13.12.2019 has been annexed with the petition as annexure P-2. As per the settlement, the petitioner has agreed to pay a sum of Rs.25,000/- to the complainant/respondent No.2 towards full and final settlement. It is stated that the complainant/respondent no.2 does not have any objection to quashing of the FIR and all proceedings emanating therefrom in terms of the aforesaid settlement.

4. Today, the parties have joined the proceedings through video conferencing. The petitioner has been identified by his counsel Mr. Gaurav Singh, Advocate (Enrl. No.D-802/14) and the Investigating Officer - SI Bharat Singh, PS Pandav Nagar. The complainant/respondent No.2 has been identified by her counsel Mr. Israily, Advocate and the Investigating Officer - SI Bharat Singh, PS Pandav Nagar. The complainant/respondent No.2 states that she has settled all her disputes with the petitioner out of her own free will, without pressure, coercion or undue influence, and states that she does not want to pursue the present case any further. She requests that the present FIR and the proceedings emanating therefrom may be quashed. The parties undertake that they will remain bound by the terms of the settlement arrived at between them before Delhi Mediation Centre and the proceedings recorded before this Court.

5. The parties, who have joined the proceedings through video conferencing today, understand the implication of the present proceedings. In view of the fact that the instant case is squarely covered by the law laid down by the Supreme Court in Gian Singh vs. State of Punjab, (2012) 10 SCC 303 and in view of the settlement arrived at between the parties, this Court is of the opinion that no useful purpose would be served in continuing with the present proceedings. Resultantly, the FIR No.94/2015 dated 04.02.2015, registered at Police Station Pandav Nagar for offences under Sections 452/354/354A/354D IPC, and the proceedings emanating therefrom, are hereby quashed. The parties shall remain bound by the terms of the settlement and the undertaking given to the Court.

6. A reading of the FIR shows that the petitioner has been persistently harassing the complainant. The FIR was registered in 2015 and this Court cannot ignore the fact that the complainant/victim would be finding it difficult to continue with the proceedings in Court. The petitioner cannot be let off only because the complainant/respondent No.2, for whatever reasons, has decided to enter into a compromise with the petitioner. The petitioner has to be made to atone for his sin of harassing a lady. The petitioner must realize that he cannot take the Court for granted and that the offence committed by him for outraging the modesty of a women can be compromised and the petitioner will be let off. This Court is, therefore, inclined to impose cost on the petitioner so that the petitioner does not repeat such kind of offences in future. Accordingly, the petitioner is directed to deposit a sum of Rs.50,000/- with the “Armed Forces Battle Casualties Welfare Fund” within three weeks from today. A copy of the receipt be given to the Investigating Officer and also filed with the Registry to show

compliance of the order.

7. This Court also feels that the petitioner must also do some community service. Accordingly, the petitioner is directed to do community service at Dr. Ram Manohar Lohia Hospital, New Delhi for a period of one month i.e. from 10.02.2022 to 11.03.2022. The petitioner is directed to perform community service from 10:00 AM to 05:00 PM everyday for a period of one month. The petitioner shall report to the Medical Superintendent, Dr. Ram Manohar Lohia Hospital, New Delhi on 10.02.2022.

8. After completion of one month, a certificate from the Medical Superintendent, Dr. Ram Manohar Lohia Hospital, New Delhi, be also filed to show compliance of the order. In case of any absenteeism/default or any misbehaviour on the part of the petitioner, the same shall be conveyed immediately by the Medical Superintendent, Dr. Ram Manohar Lohia Hospital, New Delhi, to the concerned SHO, who shall in turn inform the learned APP for the State, for bringing the same to the notice of the Court and for seeking recall of the orders passed today.

9. With the above directions, the petition is disposed of along with all the pending application(s), if any.

10. A copy of this order be transmitted to Medical Superintendent, Dr. Ram Manohar Lohia Hospital, New Delhi.

SUBRAMONIUM PRASAD, J

JANUARY 31, 2022

S. Zakir