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

+ CRL.M.C. 3828/2022

JOGINDER SINGH RAINA

..... Petitioner

Through: Mr Gaurav Sharma, Advocate along  
with petitioner in person.

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr Manoj Pant, APP for State with  
ACP Virender Kalyan and Insp.  
Dinesh Malik, P.S. EOW, Delhi.  
Mr Abhinav Bajaj and Mr Saksham  
Ojah, Advocates for R-2.

**CORAM:**

**HON'BLE MS. JUSTICE SWARANA KANTA SHARMA**

**ORDER**

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**18.08.2022**

**CRL.M.A. 16000/2022 (exemption)**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

**CRL.M.C. 3828/2022**

3. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 has been filed by the petitioner praying for quashing of FIR bearing No. 95/2003 registered at Police Station Prashant Vihar, Delhi for offences punishable under Sections 328/420/467/468/471/323/506/120B of the Indian Penal Code.
4. Notice. Mr. Manoj Pant, learned APP accepts notice on behalf of the State.

5. Petitioner is present before this Court and has been identified by his counsel Mr Gaurav Sharma and Investigating Officer (IO) Insp. Dinesh Malik from Police Station EOW, Delhi.

6. On a query made by this Court, respondent no.2 who has been identified by the IO, has categorically stated that she has entered into compromise out of her own free will and without any pressure, coercion or threat. It is also stated by respondent no.2 that the entire dispute has been amicably settled between the parties vide Memorandum of Understanding ('MoU') dated 27.07.2022 entered into between them.

7. Today, the complainant who is present in Court states that she has received Rs. 32,00,000/- as full and final settlement amount vide DD No. 779440 drawn on Punjab & Sind Bank, New Delhi and has no objection if the FIR is quashed.

8. The petitioner in this case is about 77 years of age who is facing trial for the last 19 years. The complainant/respondent no. 2 in this case is 60 years old.

9. It is stated that the other accused, Ms. Harminder Kaur, had died and her death certificate has been placed on record. The IO states that the said death certificate has been verified.

10. The settlement has been arrived at between the parties after 19 years. No doubt it is a long time since the State and the judiciary has been burdened with investigating and trial of the case. However, incumbent circumstances in this case i.e. that all the witnesses have been examined but the parties could not arrive at a settlement earlier have to be taken note of to decide as to whether this FIR be quashed or not.

11. This aspect has been examined by me and an important consideration

while considering the settlement between the parties is as to whether it would be unfair and contrary to interest of justice to continue with the criminal proceedings where the petitioner is 77 year old. One of the accused has passed away and the respondent no. 2 is more than 60 year of age who is getting compensated for the loss of money suffered by her.

12. When the Court considers the same, I find it a case where the extraordinary power of the Court under Section 482 Cr.P.C. exercised to give the compromise stamp of approval as no use of purpose will be served in carrying out the criminal proceedings and burdening trial court for another year.

13. However, the matter is pending for the last 19 years. In these circumstances, both the time of the Court and the investigating agency has been consumed. Therefore, a cost of Rs. 1,00,000/- is imposed on the petitioner.

14. This court takes notice of the fact that on 29th May 2021, “PM CARES for Children Scheme” was launched to support children who have lost their Parents, Legal Guardian, Adoptive Parents or Surviving Parents to the COVID-19 pandemic. The objective behind the scheme is to ensure the overall growth of the children and make them physically and financially self-sufficient with proper facilities. The children are the valuable future of our country and this future would be dependent upon the acts done at present. The cost imposed of Rs. 1,00,000/- is directed to be deposited in “PM CARES Fund” for the “PM CARES for Children Scheme” within a period of two weeks.

15. Accordingly, FIR bearing No. 95/2003 registered at Police Station Prashant Vihar, Delhi for offences punishable under Sections

328/420/467/468/471/323/506/120B of the IPC and all consequential proceedings emanating therefrom are quashed.

16. The petition stands disposed of.

**SWARANA KANTA SHARMA, J**

**AUGUST 18, 2022/zp**