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

+ W.P.(CRL) 1296/2022

HIMANSHU GOEL

..... Petitioner

Through: Mr. Ravin Rao, Mr. Pranaveer Pratap
Singh, Advs.

versus

THE STATE (GOVT. OF NCT OF DELHI) AND ANR.

..... Respondents

Through: Mr. Sueriya Manan with Mr. Karan
Jeet, Mr. Rai Sharma for Mr. Sanjay
Lao, SC for State

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

18.07.2022

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CRL.M.A. 11159/2022

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

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3. This is a petition seeking quashing of FIR No. 299/2022 dated 27.04.2022 u/s 328/376 IPC at P.S. Shahbad Dairy Distt., Outer North, Delhi, and subsequent proceedings emanating therefrom.
4. As per the FIR, it is stated that the petitioner offered cold drink to the respondent No. 2, after which she fell unconscious and thereafter, the petitioner raped the respondent No. 2.
5. Subsequently, the parties have filed a compromise deed dated 24.05.2022, wherein paragraph 1 of the compromise states as under:

“1. That the Second Party acknowledges that the First Party never established physical relations with her against her will. The Second Party was having a money dispute with the First Party, due to which she was disturbed and under some

ill-advice and misguidance, she got the subject FIR registered against the First Party. The Parties, have now settled all their grievances and disputes without any force, undue influence or coercion from any side, out of their sweet/free will and choice and the parties are not under collusion.”

6. The allegations in the FIR and the compromise deed are totally opposite. The petitioner and respondent No. 2 are present in Court.

7. I am of the view that the conduct of respondent No. 2 is very unfair and is a total abuse and misuse of the process of law.

8. On a query, the respondent No. 2 states that she has been undergoing mental depression, as a result of which under misguided and wrong advice she has registered the FIR.

9. The petitioner is present in Court and states that in view of the compromise deed and in view of the fact that the respondent No. 2 made amends the very next date and made 164 Cr.P.C statement accepting that she was wrongly advised, a lenient view may be taken.

10. I am of the view that the respondent No. 2 has been very unfair in her entire conduct. The criminal justice system has been put in motion on account of her whims and fancies which need to be deprecated. However, I cannot lose sight of the fact that respondent No. 2 is staying with her family and has 4 children (one daughter aged 12 years and a set of triplets aged around 3 years.)

11. In this view of the matter and in view of the facts of the present case, I deem it fit that the FIR No 299/2022 dated 27.04.2022 u/s 328/376 IPC at P.S. Shahbad Dairy Distt., Outer North, Delhi, and subsequent proceedings emanating therefrom is quashed, subject to the respondent No. 2 working at All India Confederation of the Blinds, Sector 5, Rohini, behind Rajiv

Gandhi Cancer Hospital, New Delhi, Delhi-110085 in Sector 5, Rohini for a period of 3 hours, 5 days a week for a period of 2 months.

12. She will assist and help to the best of her ability and in spirit of the order passed today.

13. Copy of this order be sent to All India Confederation of the Blinds (blind school) at Sector 5, Rohini.

14. Further, the respondent No. 2/ complainant will comply with all COVID protocols during the period of the social service an especially in the vicinity of the blind school.

15. The respondent No. 2 should be fully vaccinated unless medically exempted.

16. The petitioner also is directed to plant 50 trees with the following compliance:

- a) The petitioner also undertakes to plant 50 trees in consultation with the Investigating Officer, who shall get in touch with the Horticulture Department of the MCD, Rohini Zone and indicate the area, where the trees are to be planted.
- b) The MCD, Rohini zone, West or South West Delhi is directed to identify the land, lane, area where the trees are to be planted. The trees need not be in one cluster but can be spread over and can be adjoining a road, a lane, an area alongside periphery wall of a building, part, etc.
- c) Each tree shall have a nursery life of 3 years and the petitioners will look after their respective allotted trees for 5 years. The learned SC, for the State shall be informed with regard to each and every step in this regard. The 6 monthly status report along with

photograph shall be filed. The above planting of trees shall be completed within a period of 6 weeks from today.

- d) The concerned I.O. shall be in touch with the petitioner to do the needful.
- e) After initial planting of trees, the I.O. will file a compliance report. The petitioners will file a status report every 6 months giving the status of trees planted along with photographs.

JASMEET SINGH, J

JULY 18, 2022/dm

Click here to check corrigendum, if any