



\$~57

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

+ **CRL.M.C. 5392/2023**

**ROHAN PANDEY**

..... Petitioner

Through: Mr. Arvind Vashishta and Mr.  
Harish Bhardwaj, Advocates with  
petitioner in person.

versus

**STATE THROUGH SHO PS PALAM VILLAGE AND ANR**

..... Respondents

Through: Mr. Sunil Kumar Gautam, APP  
for the State with W/SI Anjana,  
PS. Palam Village Mr. V. M.  
Popli, Advocate for R-2  
alongwith R-2

**CORAM:**

**HON'BLE MR. JUSTICE SAURABH BANERJEE**

**ORDER**

**21.09.2023**

%

1. The petitioner vide the present petition under Section 482 of the Code of Criminal Procedure, 1973 seek quashing of FIR No.158/2019 dated 04.04.2019 registered under Sections 354/354D/506/509 IPC and Sections 8/12 of the POCSO Act at PS: Palam Village, Delhi and all proceeding emanating therefrom in view of the Settlement Deed/ Memorandum of Understanding dated 16.02.2023 arrived at between the parties.

*CRL.M.C. 5392/2023*

*page 1 of 4*



2. This petition is accompanied by the Settlement Deed/ Memorandum of Understanding dated 16.02.2023 [Annexure-A-4] and is also supported by affidavits of the petitioner and of respondent no.2 alongwith proofs of their respective I.Ds.

3. Petitioner as also respondent no.2 are present in Court and have been identified by the IO. Their credentials have been verified by this Court.

4. Issue Notice.

5. Learned APP for the State accepts notice. He however submits that considering the nature of the offences involved, he has objection to the quashing of the FIR.

6. Respondent no.2 affirms the Settlement Deed/ Memorandum of Understanding dated 16.02.2023 and submits that she has voluntarily settled all disputes with the petitioners. She further states that she does not wish to pursue the criminal proceedings against the petitioner and has no objection to the quashing of the present FIR.

7. While considering the facts and circumstances involved in the present case, though this Court, no doubt, is very much mindful of the fact that the allegations levelled against the petitioner involve heinous offences involving grave punishments, if he is convicted, however, in the opinion of this Court, looking into the holistic events in its entirety, considering that the present FIR was registered as a result of some misunderstandings and personal grudges between the parties involved herein and their family members as also that a settlement has been arrived at between the parties voluntarily, continuing with the FIR under

*CRL.M.C. 5392/2023*

*page 2 of 4*



the existing circumstances will be an exercise in futility, as in view of the current factual matrix involved, the chances of the petitioner being held guilty are very bleak.

8. *Prima-facie*, upon consideration of the existing peculiar facts and the overall events unfolding in their entirety, in view of the rare circumstances involved here, even though this Court is mindful that the FIR has been registered under Section 354 IPC and under Section(s) 8/12 POCSO Act, this Court is inclined to quash the present FIR in exercise of its inherent powers under Section 482 Cr.P.C., particularly when in the opinion of this Court, the same is in the interest of justice and will also be in the interest of the parties and betterment of their future, as the parties involved herein are young people who are still pursuing their studies and trying to make their respective future careers.

9. Accordingly, the petition is allowed and FIR No.158/2019 dated 04.04.2019 registered under Sections 354/354D/506/509 IPC and Sections 8/12 of the POCSO Act at PS: Palam Village, Delhi and all proceeding emanating therefrom are quashed, *albeit*, subject to the father of the petitioner, who is presently acting in the capacity of Chief Administrative Officer of the Indian Orthopaedic Association, arranging Orthopaedic Surgeon(s)/Doctor(s) associated with the said association to provide free medical health check up for the Teachers of the ten nearby schools namely: (1) Govt. Co-ed Secondary School, Pocket-4, Main Road, Bindapur, (2) Govt. Co-ed Senior Secondary School, Uttam Vihar, Block F, Kesho Ram Park, Bindapur, (3) Govt. Girls Senior

CRL.M.C. 5392/2023

page 3 of 4



Secondary School, Uttam Nagar, Block E, Bindapur, (4) Govt. School, Sector-7, Dwarka, (5) Govt. Co-ed Senior Secondary School, Mahavir Enclave-II, Palam, (6) Sarvodaya Bal Vidhayala, Sadh Nagar, Palam, (7) Govt. Boys Senior Secondary School, Block P, Raj Nagar-II, Palam, (8) Govt. School, RZP-70, Raj Nagar-II, Palam, (9) Sarvodaya Kanya Vidhalay, Raj Nagar-II, Palam and (10) Govt. Boys Senior Secondary School, Block-RZB, Sagarpur on at least two working days in any week in the month of October 2023.

10. Let a copy of this order be sent to the Principals of each of the aforesaid Schools to apprise them of the services to be provided. The father of the petitioner has assured this Court that he shall co-ordinate and follow up with the respective Principals of all the 10 Schools for fixing a day for providing the services of the Doctor(s) to the maximum number of teachers at a mutually convenient date and time.

11. This Court applauds and appreciates the commendable effort put in by the father of the petitioner as he has willingly offered the noble services of providing free check-ups and that too by Orthopaedic Doctor(s) in as many as 10 government Schools.

12. The petition stands disposed of.

**SAURABH BANERJEE, J**

**SEPTEMBER 21, 2023/So**