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

+ CRL.M.C. 533/2021

LAISHRAM PREMILA DEVI & ORS Petitioners

Through Mr. R.S.Mishra, Advocate

versus

THE STATE & ORS. Respondents

Through Mr. Hirein Sharma, APP for the State.
Mr. Pramod Tyagi and Mr. Anand Mishra,
Advocates for the complainant/respondents
No.2 to 4.

AND

+ CRL.M.C. 534/2021

NIRMALA KHATRI & ORS Petitioners

Through Mr. Pramod Tyagi and Mr. Anand
Mishra, Advocates

versus

THE STATE & ORS. Respondents

Through Mr. Hirein Sharma, APP for the State.
Mr. R.S.Mishra, Advocate for the
complainant/respondents No.2 to 4.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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23.02.2021

Crl.M.A.2683/2021(exemption) in CRL.M.C. 533/2021

Crl.M.A.2684/2021(exemption) in CRL.M.C. 534/2021

Allowed, subject to all just exception.

CRL.M.C. 533/2021

CRL.M.C. 534/2021

1. CRL.M.C. 533/2021 has been filed for quashing FIR No.239/2017 dated 12.05.2017, registered at Police Vasant Kunj(North), New Delhi for offences under Sections 509, 506, 323, 341, 354, 354A and 34 IPC. The complainant/respondent No.2 in the said FIR has alleged that on 12.05.2017, when she was going to drop her children to school, the accused who reside in the neighbourhood beat her and outraged her modesty and also committed act of sexual harassment. The contents of FIR are not being repeated here.
2. CRL.M.C. 534/2021 has been filed for quashing FIR No.238/2017 dated 12.05.2017, registered at Police Vasant Kunj(North), New Delhi for offences under Sections 509, 506, 323, 341, 354, 354A and 34 IPC.
3. The complainant in the said FIR is the accused in CRL.M.C. 533/2021. The allegation in this FIR is that the petitioners herein have committed offences punishable under Section 354 IPC i.e. assault or use of criminal force to woman with intent to outrage her modesty. The parties in all the FIRs are residents of 95/9, Kisangarh, Vasant Kunj, Delhi, and are neighbours.
4. It is stated that with the intervention of some common friends, relatives and family members, the parties have settled their dispute and an oral settlement has been reached between the parties. It is stated that both the parties, the petitioners and respondents in CRL.M.C. 533/2021 and CRL.M.C. 534/2021, have realised their mistake and they had decided to compromise the matter.
5. As per the said oral settlement, the parties have agreed that they will approach this Court for the quashing of the abovementioned FIRs. It is

stated that they had agreed that they will maintain harmonious relations with each other. It is requested that the FIRs be quashed as the dispute has been amicably resolved.

6. The parties have also filed their respective affidavits affirming the fact that the matter has been settled amicably. It is also stated that the complainants in both the petitions do not have any objection if the instant FIRs and the proceedings emanating therefrom are quashed.

7. Unfortunately, it is now becoming a trend to register FIRs alleging offences under Sections 354, 354A, 354B, 354C, 354D IPC either to force a party from withdrawing a complaint instituted against them or to arm twist a party. Offences under Sections 354, 354A, 354B, 354C, 354D IPC are serious offences. Such allegations have the effect of tarnishing the image of the person against whom such allegations are made. Allegations regarding these offences cannot be made at a drop of a hat. This practice is an abuse of the process of law. The instant case is a classic example as to how frivolous allegations of Section 354 and 354A have been levelled by the parties against each other. A small fight regarding parking has been escalated by levelling allegation of outraging modesty of women. This court can take judicial notice of the fact that the police force is very limited. Police personnel have to spend time in investigating frivolous cases. They have to attend court proceedings, prepare Status Report etc. The result is that investigation in serious offences gets compromised and accused escape because of shoddy investigation. Time has come to initiate action against persons who file frivolous complaints under Sections 354, 354A, 354B, 354C, 354D IPC etc. only for ulterior purpose. Some of the petitioners in these instant petitions are students who should understand not to take courts

and the police for granted and assume that anything and everything can be settled and they can get away by filing false cases.

8. In view of the mutual settlement arrived at between the parties, this Court is satisfied that no useful purpose will be served in prosecuting with the present proceedings. Resultantly, the FIR No.238/2017 and FIR No.239/2017 dated 12.05.2017, under Sections 509, 506, 323, 341, 354, 354A and 34 IPC registered at Police Vasant Kunj(North), New Delhi and the proceedings emanating therefrom are hereby quashed. The parties shall remain bound by the mutual settlement and the undertaking given to the Court.

9. Since the Police has had to spend valuable time in investigating the offence and considerable time has been spent by the Court in the criminal proceedings initiated by the parties, this Court is inclined to impose cost on the petitioners with a warning not to file false and frivolous cases. The petitioners in CRL.M.C. 533/2021 are directed to deposit a sum of Rs.30,000/-(Rupees Thirty Thousand Only) with 'DHCBA Lawyers Social Security and Welfare Fund' within three weeks from today and the petitioners in CRL.M.C.534/2021 are directed to deposit a sum of Rs.30,000/-(Rupees Thirty Thousand Only) with 'DHCBA Lawyers Social Security and Welfare Fund' within three weeks from today. Details of the Account are as under:

Account Name:	DHCBA Lawyers Social Security and Welfare Fund
Account Number:	15530100009730
Bank Name:	UCO Bank

Branch: Sher Shah Road, New Delhi

IFSC Code: UCBA0001553

Copy of the receipts be also filed with the Registry to show compliance of the order.

8. The petitions stand disposed of in above terms.

SUBRAMONIUM PRASAD, J.

FEBRUARY 23, 2021

Pst/Rahul

HIGH COURT OF DELHI



नात्यमेव जयते