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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Judgment delivered on: 03.07.2025*+ **CRL.M.C. 434/2025 & CRL.M.A. 2116/2025**

SMT. SURESTHA & ANR.

.....Petitioners

Through: Mr. Kamal Kant Jha, Mr.
Avinash Singh, Mr. Manas
Tiwari, Ms. Juhi Mishra,
Advocates

versus

STATE

.....Respondent

Through: Mr. Rajkumar, APP for the
State with SI Nisha Sharma.

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. The present petition has been filed by the petitioners under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No. 359/2023, registered at Police Station Govindpuri, Delhi for commission of offences punishable under Sections 323/341 of the Indian Penal Code, 1860 [hereafter 'IPC'] and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 [hereafter 'JJ Act'] – on the basis of a settlement arrived at between the parties.



2. Brief facts of the case are that on 15.06.2023, upon receiving information *vide* DD No. 56A, the police officials reached the place of the incident, i.e., Gali No. 27, Tughlakabad Extension, Delhi. However, they did not find the complainant at the location. On the night of 17.06.2023, the complainant took the child victim to AIIMS Hospital, Delhi, for medical examination, where the concerned doctor, on 18.06.2023 at about 12:05 AM, recorded that there was an alleged incident of physical abuse by a neighbour. As per the complainant (the child's mother), the child had been beaten and electrocuted; but no external injuries were found on medical examination. Subsequently, the statement of the complainant, i.e., the mother of the child victim, was recorded by the police. She alleged that the accused, Amit, and his wife, Surestha, had caught hold of her minor son, beaten him, and subjected him to electric shocks. It was alleged that on 15.06.2023, at about 12 PM, while her son 'R', aged 7 years – who was occasionally mischievous and would sometimes ring doorbells and run – was returning home from her vegetable shop, the accused Amit had stopped him, beaten him, undressed him, and had allegedly electrocuted him. At about 1:05 PM, the complainant had received a phone call from someone informing her that her son had been caught in Gali No. 27/28. Upon being informed, she had immediately rushed there and found her son lying naked and crying. When she had inquired into the matter, the accused Amit had reportedly told her that the child had run away after ringing the doorbell. She had then dressed her son and taken him home, where he



had disclosed that he had been undressed, beaten, and electrocuted by the accused persons.

3. The statement of the child victim had also been recorded under Section 161 of Code of Criminal Procedure, 1973 [hereafter 'Cr.P.C.'] wherein he stated that after he had rung the doorbell of the accused persons' house, the accused Amit and Surestha had caught hold of him, electrocuted him using a torch that carried current, undressed him, and beaten him. On the basis of the aforesaid, the present FIR came to be registered under Sections 323/341 of IPC and Section 75 of the JJ Act.

4. During the course of investigation, the statement of the child victim had also been recorded under Section 164 of Cr.P.C. wherein he reiterated the allegations made against the accused persons and further stated that they had threatened to kill him if he disclosed the incident at home. After completion of investigation, chargesheet was filed for offence under Sections 323/341/506 of IPC and Section 75 of JJ Act.

5. The learned counsel appearing on behalf of the petitioners states that both the parties have amicably settled the present matter *vide* Memorandum of Undertaking dated 10.12.2024 entered between them, and their statements to the said effect have been recorded by the learned Joint Registrar (Judicial) on 15.05.2025.

6. On a query made by this Court, complainant/respondent no. 2 who has been identified by the concerned IO, has stated that she has



entered into compromise out of her own free will and without any pressure, coercion or threat.

7. However, the learned APP for the State opposes the present petition and argues that the allegations in the present case are serious in nature and the victim herein was only 7 years of age at the time of alleged incident, who was beaten and electrocuted by the accused persons. It is submitted that a case of such a nature cannot be quashed on the basis of compromise. It is therefore prayed that the present petition be dismissed.

8. This Court has **heard** arguments addressed on behalf of both the parties and has perused the material available on record.

9. At the outset, it is pertinent to note that the parties herein had earlier compromised the matter *vide* Settlement Deed dated 03.08.2023, and had approached this Court by way of W.P.(CRL.) 3017/2023 seeking quashing of the FIR in question; however, the respondent no. 2 appeared before the Court on 14.11.2024 and refused to compromise the matter with the petitioners. The said petition was then dismissed as withdrawn.

10. Succinctly, the allegations against the accused persons, Amit and Sureshtra, are that they had wrongfully restrained a 7-year-old child, undressed him, beaten him, and subjected him to electric shocks using a device, allegedly as punishment for ringing their doorbell. It is further alleged that they threatened the child with dire consequences.



11. In this Court's opinion, the present case involves serious allegations of physical abuse and electrocution of a minor child aged 7 years. On perusal of the records, this Court also notes that during the course of investigation, the CCTV footage of the alleged incident had also been procured by the police officials. Moreover, the Memorandum of Understanding also does not state that the incident in question had not taken place.

12. Keeping in view the nature of the offence, this Court is of the view that such acts, *prima facie*, not only impact the individual victim but also raise broader concerns relating to public interest, safety as well as the protection of children. Therefore, such offences cannot be treated as mere private disputes capable of being quashed solely on the basis of a subsequent settlement between the parties. Considering the gravity of the alleged acts, quashing the FIR at this stage would set a dangerous precedent and defeat the administration of criminal justice.

13. The learned counsel appearing for the petitioners also contended that the alleged electrocution had been done merely by a torch, and therefore, the case is not very serious in nature. However, this Court is unable to accept such a submission, particularly in view of the specific and consistent statements made by the child victim, including his statement recorded under Section 164 of Cr.P.C., wherein he clearly narrated the sequence of events, including being undressed, beaten, electrocuted, and threatened by the accused persons. The victim was merely 7 years old at the time of the alleged



incident, and the psychological trauma and fear inflicted upon a child of such tender age cannot be trivialized or disregarded merely on the ground that the instrument used for electrocution was a torch.

14. Furthermore, the FIR has also been registered for offence under Section 75 of the JJ Act, which pertains to cruelty to a child. Such crimes against children affect not only the individual victim but also the conscience of society at large. Accordingly, this Court is not inclined to quash the present FIR on the basis of compromise, bearing in mind the seriousness of the allegations, the age of the victim, and the need to allow the law to take its own course.

15. Accordingly, the present petition, along with pending applications, if any, stands dismissed.

16. It is, however, clarified that nothing expressed herein above shall be tantamount to an expression of opinion on merits of the case.

17. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

JULY 03, 2025/NS