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

+ **W.P.(CRL) 92/2024**

YOGENDER KUMAR Petitioners

Through: Mr. Oshash Kundo, Advocate with
petitioner in person

versus

THE STATE (GOVT. OF NOT OF DELHI) & ANR.

..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel
with SI Mahesh PS Alipur
Mr. Ankit Rana, Advocate for R-2
with R2 in person

**CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN**

ORDER
09.01.2024

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CRL.M.A. 776/2024(exemption)

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

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3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No. 286/2022 under Sections 308/34 IPC PS Alipur, District North Delhi and all consequent proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned APP for the State accepts notice. The notice is also accepted by Mr. Ankit Rana on behalf of respondent no. 2. The



learned APP for the State submits that since the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.

5. The petitioner no.1 as well as, respondent no. 2 are present in the Court and they have been identified by their respective counsel and by the IO, who is present in court.

6. The FIR was registered after a quarrel took place between the petitioner and the respondent No.2 on 16.05.2022 in respect of parking. After two days, again a fight took place between the parties, in which both the parties suffered injuries.

7. During the pendency of the proceedings, the petitioners as well as the respondent no. 2 have arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Understanding / Settlement dated 20.12.2023, which is annexed as Annexure C to the present petition.

8. It is recorded in the settlement that the parties have amicably settled all their disputes and have decided to terminate the ongoing litigation between them.

9. It is also a term of the settlement between the parties that the respondent no. 2 shall cooperate with the petitioners for the quashing of the present FIR.

10. At this stage, apt would it be to refer to the observations of the Supreme Court in ***Gian Singh v. State of Punjab, (2012) 10 SCC 303: (SCC p. 340, para 58)***

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in



futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”

11. In view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will be an exercise in futility.
12. It is, thus, in the interest of justice that the present FIR and all other proceedings emanating therefrom are quashed.
13. Consequently, the petition is allowed and the FIR No. 286/2022 under Sections 308/34 IPC PS Alipur, District North Delhi along with all other consequential proceedings emanating therefrom, is quashed.
14. The petition stands disposed of in the above terms.
15. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

JANUARY 9, 2024
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