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

+ **W.P.(CRL) 263/2024**

MOHIT KUMAR AND ANR.

..... Petitioners

Through: Mr. Ram Nath Singh Kushwaha and
Mr. Sanju Gupta, Advs. with
petitioners in person.

versus

STATE (GOVT OF NCT, DELHI) AND ANR Respondents

Through: Mr. Sanjay Lao, SC for State with
with IO SI Sunder with main IO ASI
Maheshwar and H.C. Parveen PS
Nangloi Delhi
Mr. Ashutosh Bhardwaj and Mr.
Deepanshu Lakra, Advs. for R2

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

24.01.2024

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CRL.M.A. 2337/2024 (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 Article 226 of the Constitution of India read with Section 482 CrPC seeking quashing of FIR No.792/2021 under Sections 341/323/34 IPC registered at Police Station Nangloi, Outer District, Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.



4. Issue notice. The learned Standing Counsel for the State accepts notice. He submits that since the FIR is an outcome of a parking dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
5. The petitioners, as well as, respondent no. 2 are present in the Court and they have been identified by their respective counsel and by the IO SI Sunder with the main IO ASI Maheshwar and H.C. Parveen PS Nangloi Delhi
6. The brief facts of the case are that a complaint was made by the respondent no. 2 wherein he stated that on 08.11.2021 at around 08.30 P.M. when he was trying to park his motor cycle near his Gym, a scuffle took place between him and the petitioners, wherein he was beaten by the petitioners, which led to the registration of the aforesaid FIR.
7. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of compromise deed dated 18.01.2024, which is annexed as Annexure B to the present petition.
8. In terms of the said compromise deed dated 18.01.2024, the parties have resolved all their disputes and the respondent no. 2 has agreed to cooperate with the petitioners for quashing of the aforesaid FIR.
9. The respondent no.2, on a query put by the Court, states that he has no objection in case the FIR is quashed.
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. Considering the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.
12. Further, in view of the settlement the chances of conviction of the petitioners in the present case are also bleak, therefore, no useful purpose will be served in continuing the criminal proceedings.
13. It is, thus, in the interest of justice that the present FIR and all other proceedings emanating therefrom is quashed.
14. Consequently, the petition is allowed and the FIR No.792/2021 under Sections 341/323/34 IPC registered at Police Station Nangloi, Outer District, Delhi along with all other consequential proceedings emanating there from, is quashed.
15. The petition stands disposed of.
16. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

JANUARY 24, 2024

N.S. ASWAL