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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 308/2024 & CRL.M.A. 2816/2024

SMT. RAJWANTI MALIK & ORS.

..... Petitioners

Through: Appearance not given.

versus

STATE OF N.C.T. OF DELHI & ANR.

..... Respondents

Through: Mr. Sanjay Lao, SC for State with
Ms. Priyam Aggarwal, Adv. with SI
Pratima, PS. Vasant Kunj South.
Mr. Prabhat Yadav, Mr. Akash Deep
and Mr. Naveen Kumar, Advs. for R-
2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

07.02.2024

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CRL.M.A. 2815/2024 (exemption)

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

W.P.(CRL) 308/2024

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.566/2023 under Sections 323/354/34 IPC registered at Police Station Vasant Kunj South 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 fight and the parties



have arrived at a settlement, the State has no objection in case the FIR in question is quashed. He further submits that some cost may be imposed on the petitioners as the considerable time has been spent in the investigation.

5. The petitioner nos. 1 to 3, as well as, respondent no. 2 are present in the Court and they have been identified by their counsel and by the Investigating Officer SI Pratima, PS. Vasant Kunj South. altercation

6. The brief facts of the case are that a quarrel took place between the parties with regard to the opening of door early in the morning which led to a heated argument between them and resulted in cross complaints between the parties, subsequently on the basis of the allegations made by the respondent no.2, the aforesaid FIR came to be registered against the present petitioners.

7. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Understanding dated 11.01.2024, which is annexed as Annexure P-5 to the present petition.

8. In terms of the settlement the parties have settled their disputes amicably and have agreed to cooperate with each other for the quashing of the aforesaid FIR.

9. The respondent no.2, on a query put by the Court, states that she 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. In the present case, the State machinery has been put into motion and considerable time and resources of the investigating agency have been spent in the investigation of the matter, it is deemed appropriate to impose cost of Rs.10,000/- on the petitioners. Accordingly, the petitioners are directed to deposit cost of Rs.10,000/- with the Delhi State Legal Services Authority and the said amount should be utilized towards counselling / psychological support to be provided to POCSO victims requiring such assistance.
12. Consequently, the petition is allowed and the FIR No.566/2023 under Sections 323/354/34 IPC registered at Police Station Vasant Kunj South alongwith all other proceedings emanating therefrom, is quashed subject to payment of cost as aforesaid, within a period of two weeks from today.
13. The petition stands disposed of in the above terms.
14. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

FEBRUARY 7, 2024/dss