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

+ **CRL.M.C. 838/2024**

SHRI KISHAN @ BABLU

..... Petitioner

Through: Mr. Abhishek Rana, Adv.

versus

STATE GNCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Raghvinder Verma, APP for State
with SI Manish, PS. Welcome.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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02.02.2024

CRL.M.A. 3366/2024 (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.527/2018 under Sections 323/341/354A IPC registered at Police Station Welcome and all consequential 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. He 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 is present in Court whereas the respondent no. 2 has joined through VC and they have been identified by their counsel and by the Investigating Officer SI Manish, PS. Welcome.
6. The brief facts of the case are that on 29.12.2018 when the respondent no.2 was returning from work, the petitioner stopped the respondent no.2 and misbehaved with her. On 31.12.2018, the respondent made a complaint



and on the basis of the said allegations made by the respondent no.2, the aforesaid FIR came to be registered against the present petitioner.

7. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of Compromise Deed/MoU dated 02.11.2023, which is annexed as Annexure P-2 to the present petition.

8. In terms of the settlement the parties have settled their disputes amicably and they 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 view of the settlement between the parties, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.

12. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.



13. Consequently, the petition is allowed and the FIR No.527/2018 under Sections 323/341/354A IPC registered at Police Station Welcome alongwith all other 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

FEBRUARY 2, 2024/dss