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

+ CRL.M.C. 912/2024

KUNAL DEDHA @ KUNAL CHOUDHARY & ORS.

..... Petitioners

Through: Mr. Sumit Kumar, Mr. Haider Khan,
Mr. Himanshu Sharma and Mr. Rohit
Shukla, Advs. with petitioners in
person

versus

STATE NCT OF DELHI AND ANR. Respondents

Through: Mr. Ritesh Kumar Bahri, APP for
State with ASI Arvind PS New Ashok
Nagar
Mr. Puneet Kumar Saxena and Mr.
J.G. Goswami, Advs. for R2

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

20.02.2024

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1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.457/2018 under Sections 341/308/379/34 IPC registered at Police Station New Ashok Nagar and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

2. Issue notice. The learned APP for the State accepts notice. He submits that since the present case is an outcome of a dispute between the neighbours and they have settled the controversy amicably, 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.

3. He further apprises the Court that the chargesheet has been filed in the present case and the charges are yet to be framed.

4. The petitioner nos. 1 – 3, as well as, respondent no. 2 are present in Court and they have been identified by their respective counsel and by the Investigating Officer ASI Arvind PS New Ashok Nagar.

5. The brief facts of the case are that on 07.09.2018 some heated arguments took place between the petitioners and respondent no. 2, which escalated to a level of fight in which both the parties sustained injuries. Consequently, the aforesaid FIR came to be registered at the instance of the respondent no. 2, namely Mukesh Kumar.

6. The learned APP for the State further apprises the Court that the injuries suffered by the petitioners in this case was simple in nature.

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 10.01.2024, which is annexed as Annexure P3 to the present petition.

8. It is recorded in the aforesaid settlement that the parties have resolved their entire dispute and cordial relations between them have been restored. It is also agreed between the parties that they shall 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 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. 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.5,000/- on each of the petitioners. Accordingly, the petitioners are directed to deposit cost of Rs.5,000/- each 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.457/2018 under Sections 341/308/379/34 IPC registered at Police Station New Ashok Nagar along with all other consequential 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 20, 2024/N.S. ASWAL