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

+ **CRL.M.C. 939/2024**

BHUPINDER KUMAR ARORA

..... Petitioner

Through: Mr Ansh Makhar and Ms Sanju Bala,
Advocates along with petitioner in
person.

versus

STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr Raghvinder Varma, APP for the
State with Insp. Naresh Kumar, ATO,
ASI Vijay Singh, PS Maurya Enclave.
Mr H. R. Dhamija, Advocate for R-2
along with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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06.02.2024

CRL.M.A. 3777/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 939/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0428/2023 under Sections 323/341/506 IPC registered at Police Station Maurya Enclave and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

3. Issue notice. The learned APP for the State accepts notice. He submits that since the parties are real brothers and they have arrived at a settlement,



the State has no objection in case the FIR in question is quashed.

4. The petitioner no.1, as well as, respondent no. 2 is present in the Court and they have been identified by their respective counsel and by the Investigating Officer Insp. Naresh Kumar, ATO, ASI Vijay Singh, PS Maurya Enclave.

5. The brief facts of the case are that due to some misunderstanding there was a quarrel between the petitioner and the respondent no.2, who are real brothers. On a complaint made by the respondent no.2, the aforesaid FIR came to be registered.

6. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 30.01.2024, which is annexed as Annexure-C to the present petition.

7. It has been recorded in the aforesaid Memorandum of Settlement that the parties have arrived at a settlement with the assistance of their relatives and they shall cooperate with each other in quashing of the aforesaid FIR, as well as the cross FIR bearing FIR No.0427/2023 under Sections 323/341/325/506 IPC registered at PS Maurya Enclave, which was registered at the instance of the petitioner herein.

8. It is also a term of the settlement that the parties will live in peace and harmony in future.

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 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.0428/2023 under Sections 323/341/506 IPC registered at Police Station Maurya Enclave 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 6, 2024
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