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

+ **CRL.M.C. 1000/2024**

NARESH KUMAR

..... Petitioner

Through: Mr Alamine, Advocate.

versus

STATE & ANR.

..... Respondents

Through: Mr Hemant Mehla, APP for the State
with Mr Dipanshu Meena, Advocate
with Insp. Lalit, P.S. Gulabi Bagh.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

08.02.2024

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CRL.M.A. 4010/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 1000/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0161/2016 under Sections 354/354A/506/509 IPC registered at Police Station Gulabi Bagh 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 have arrived at a settlement, the State has no objection in case the FIR in question is quashed.

4. The petitioner, as well as, respondent no. 2 are present in the Court



and they have been identified by their respective counsel.

5. The brief facts of the case are that a complaint was made by the respondent no.2 wherein she stated that on 02.09.2016 at about 2:00 PM when she was at home with her daughter, the petitioner who is a brother-in-law of the respondent no.2 came at her home under the influence of alcohol with bad intention and misbehaved with her, which led to the registration of the aforesaid FIR.

6. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Mutual Consent Compromise Deed dated 10.05.2023, which is annexed as Annexure-C to the present petition.

7. It is recorded in the settlement that the parties have mutually and amicably resolved all their disputes.

8. It is also a term of the settlement that the respondent no.2 shall cooperate with the petitioner in 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 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.0161/2016 under Sections 354/354A/506/509 IPC registered at Police Station Gulabi Bagh 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 8, 2024
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