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

+ **W.P.(CRL) 472/2024**

SH. SHIVAM ALIAS SHIVAM TIWARI Petitioner

Through: Mr. Jaymeer Singh, Adv.

versus

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

Through: Mr. Sanjay Lao, SC for State with ASI
Pradeep Kumar P.S. Laxmi Nagar,
Delhi

Mr. Khaleed Ahmed, Mr. Vivek
Kumar and Mr. Kuntal Chauhan,
Advs. for R2

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **09.02.2024**

CRL.M.A. 4309/2024 (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 Article 226 read with Section 482 CrPC seeking quashing of FIR No.457/2023 under Sections 308/34 IPC registered at Police Station Laxmi Nagar, Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned SC 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 no.1, as well as, respondent no. 2 are present in the Court and they have been identified by their respective counsel and by the



Investigating Officer ASI Pradeep Kumar P.S. Laxmi Nagar, Delhi.

6. The brief facts of the case are that the aforesaid FIR came to be registered on a statement of respondent no. 2 wherein it was alleged that the complainant / respondent no. 2 was standing at a grocery shop situated near Anar Masjid along with his friend Prem Chand for buying cigarette and matchbox and the petitioner along with his other associates was standing over there for buying grocery items from the said shop. An argument took place between the parties which led to a quarrel between them and the said quarrel escalated to a level of fight due to which the respondent no. 2 sustained injuries.

7. The learned counsel for the parties submits that the aforesaid incident also led to the registration of a cross FIR bearing FIR No. 458/2023 under Sections 323/341/34 IPC, registered at the instance of the petitioner herein.

8. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of compromise deed dated 26.09.2023, which is annexed as Annexure P3 to the present petition.

9. It is recorded in the aforesaid compromise deed that the parties, with the intervention of family members, respectable persons etc. have amicably settled / compromised all their disputes related to the aforesaid two FIRs.

10. It is also a term of the settlement that the parties will cooperate with each other for the quashing of the present FIR. Insofar as the cross FIR No. 458/2023 is concerned, the offences invoked in the said FIR are compoundable.

11. The respondent no.2, on a query put by the Court, states that he has no objection in case the FIR is quashed.



12. 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.”

13. 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.

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

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

16. Consequently, the petition is allowed and the FIR No.457/2023 under Sections 308/34 IPC registered at Police Station Laxmi Nagar, Delhi along with all other consequential proceedings emanating therefrom, is quashed.

17. The petition stands disposed of in the above terms.

18. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

FEBRUARY 9, 2024/N.S. ASWAL