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

+ **CRL.M.C. 1279/2024**

NEELAM SACHDEVA & ANR.

..... Petitioners

Through: Mr Sahil Vij, Advocate along with
petitioners in person.

versus

THE STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr Raghvinder Varma, APP for the
State with SI Amit Baniwal, PS Vivek
Vihar.

Mr Rahul Verma, Advocate for R-2
along with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

16.02.2024

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1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0078/2023 under Sections 420/34 IPC registered at Police Station Vivek Vihar, Delhi 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 dispute involved is essentially of civil nature, the State has no objection in case the FIR in question is quashed.
3. The petitioners, 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 SI Amit Baniwal, PS Vivek Vihar.
4. The brief facts of the case are that on 15.02.2022, the petitioner no.1 sold the property to the respondent no.2 comprising of entire roof of second floor with roof/terrace rights and with the right to construct upto the last



storey, with common entrance, passage and staircase, along with proportionate undivided, indivisible and impartible ownership rights in the land underneath freehold property no.D-6, Jhilmil Colony, Delhi-110095.

5. On 02.04.2022, when the respondent no.2 started the construction, the officials of the EDMC stopped the construction on the ground that the said property has already been booked for unauthorised construction as early as on 07.05.2017. This led to the making of complaint at the instance of the respondent no.2, which culminated into the aforesaid FIR.

6. Learned counsel for the parties submit that a civil suit seeking injunction was also filed by the respondent no.2 against the petitioners.

7. During the pendency of the said suit, the parties were referred to Delhi Mediation Centre, Karkardooma Courts, Delhi, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 06.06.2023, which is annexed as Annexure-B to the present petition.

8. It is a term of the settlement that the respondent no.2 will execute a Sale Deed of the property in the name of the petitioners and the petitioners shall pay a total sum of Rs.23,50,000/- to the respondent no.2. Out of the said amount, a sum of Rs.22,70,000/- has already been paid by the petitioners to the respondent no.2. The remaining amount of Rs.80,000/- has been paid to the respondent no.2 today in the court by the petitioners by way of Bankers Cheque bearing No.592590 dated 07.02.2024 issued by State Bank of India.

9. The receipt of entire amount of Rs.23,50,000/- is acknowledged by the respondent no.2, who is present in court.

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



11. 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.”

12. 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.

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

14. Consequently, the petition is allowed and the FIR No.0078/2023 under Sections 420/34 IPC registered at Police Station Vivek Vihar, Delhi alongwith all other proceedings emanating therefrom, is quashed.

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

16. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

FEBRUARY 16, 2024/MK