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

+ CRL.M.C. 1302/2024 & CRL.M.A. 5134/2024 (Exemption)

ASHISH MALIK & ANR. Petitioners

Through: Mr. Vijay Yadav, Advocate
alongwith petitioners in person.

versus

STATE GOVT OF NCT OF DELHI & ANR. Respondents

Through: Mr. Sunil Kumar Gautam, APP for
the State.

SI Vijay Dahiya, PS Prashant Vihar.

Mr. Vivek Kadyan and Ms. Arunima
Kadyan, Advocates for R-2 alongwith
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

19.02.2024

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1. The present petition filed under Section 482 of the Cr.P.C. seeks quashing of the FIR No. 315/2019, under Sections 341/323/427/354/354A/354B/506/509/34 of the IPC, registered at P.S. Prashant Vihar and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Preeti, learned Metropolitan Magistrate, Mahila Court, Rohini Courts, Delhi.

2. Learned counsel appearing on behalf of the petitioners submits that the present FIR was registered at the instance of respondent no. 2 on account of a parking dispute between the parties. It is submitted that as a result of the said dispute, a cross-FIR, i.e., FIR No. 314/2019, under Sections 341/323/354/354A/509/34 of the IPC, was registered at PS Prashant Vihar, at the instance of petitioner no. 2 herein against the family members of



respondent no. 2.

3. It is further submitted that during the pendency of the aforesaid proceedings, parties have entered into a compromise/settlement deed dated 16.01.2024, pursuant to which parties have no objection to quashing of the cross FIRs. The cross FIR, i.e, FIR No. 314/2019, under Sections 341/323/354/354A/509/34 of the IPC, registered at PS Prashant Vihar is the subject matter of CRL.M.C. 1303/2024, which is being disposed of by a separate order of the same date.

4. Petitioners and complainant/respondent no. 2 are present before the Court and have been duly identified by their respective counsel, as well as the Investigating Officer, SI Vijay Dahiya, PS Prashant Vihar.

5. The complainant/respondent No.2 states that the matter has been settled with the petitioners and she has no objection if the FIR is quashed. She further states that all the terms of the agreement have been complied with.

6. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed subject to imposition of cost.

7. In *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, the Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

“61. ... In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the



affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

8. In view of the aforesaid circumstances, and the fact that the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 315/2019, under Sections 341/323/427/354/354A/354B/506/509/34 of the IPC, registered at P.S. Prashant Vihar and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Preeti, learned Metropolitan Magistrate, Mahila Court, Rohini Courts, Delhi.

9. In the interest of justice, the petition is allowed, and the FIR No. 315/2019, under Sections 341/323/427/354/354A/354B/506/509/34 of the IPC, registered at P.S. Prashant Vihar and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of Ms. Preeti, learned Metropolitan Magistrate, Mahila Court, Rohini Courts, Delhi, is hereby quashed, subject to payment of cost of Rs.25,000/- to be deposited by petitioners with the Delhi State Legal Services Authority within a period of one week from today. The amount so deposited shall be utilized by the DSLSA for providing counselling and psychological support to POCSO victims requiring such assistance.

10. A copy of this order be communicated to the Member Secretary, DSLSA for intimation.

11. Petition is allowed and disposed of accordingly.

12. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

FEBRUARY 19, 2024/sn