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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1416/2024**
BIJENDER BALYAN AND ORS Petitioners
Through: Appearance not given.

versus

STATE THROUGH SHO PS DABRI AND ANR Respondents
Through: Mr. Raj Kumar, APP for State with SI
Sunita (I.O) with SI Naresh Kumar,
PS. Dabri.
Mr. Brijesh Tomar, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
21.02.2024

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CRL.M.A. 5611/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 1416/2024

3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.186/2019 under Sections 323/354/354B/506/509/34 IPC registered at Police Station Dabri and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned APP for the State accepts notice. He submits that since the FIR is an outcome of a fight and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
5. The petitioner nos.1 to 4, as well as, respondent no. 2 are present in



Court and they have been identified by their counsel and by the Investigating Officer SI Sunita (I.O) with SI Naresh Kumar, PS. Dabri.

6. The brief facts of the case are that on 20.03.2019 at about 04:30 p.m, a quarrel took place between the petitioners and the family of the respondent no.2 on the issue of parking of vehicle which led to the registration of cross FIR's. The present FIR has been registered at the instance of respondent no.2 whereas a cross FIR i.e., FIR No.191/2019 under Sections 323/354/354B/506/509/34 IPC was registered at Police Station Dabri, at the instance of the petitioner no.2 herein.

7. During the pendency of the proceedings, the parties were referred to Mediation Centre, Dwarka Courts, New Delhi, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 02.08.2022, which is annexed as Annexure P-13 to the present petition.

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

9. 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.”

10. In view of the settlement arrived at 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.

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

12. Consequently, the petition is allowed and the FIR No.186/2019 under Sections 323/354/354B/506/509/34 IPC registered at Police Station Dabri alongwith all other proceedings emanating therefrom, is quashed.

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

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

VIKAS MAHAJAN, J

FEBRUARY 21, 2024/dss