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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1532/2024**
KAMAL HASAN @ KAMAL DEV Petitioner
Through: Mr. Tushar Kawhra, Mr. Uttam
Sharma and Ms. Tanya Gupta, Adv.

versus

STATE OF NCT DELHI AND ANR Respondents
Through: Mr. Hemant Mehla, APP for State
with SI Mahesh Yadav, PS. Defence
Colony.
Mr. Jawahar Sinha, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
26.02.2024

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CRL.M.A. 5990/2024 (exemption)

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

CRL.M.C. 1532/2024

3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.315/2015 under Sections 452/354/354D/506 IPC registered at Police Station Defence Colony 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 matrimonial dispute and the parties have already arrived at a settlement and another FIR No.300/2017 under Sections 420/468/469/471/452/504/506 IPC registered at Police Station Muradnagar, Ghaziabad, at the instance of the respondent no.2 has already been quashed by



the High Court of Judicature at Allahabad *vide* order dated 02.05.2023, premised on the same settlement, the State has no objection in case the FIR in question is quashed.

5. The petitioner (husband), as well as, respondent no. 2 (wife) are present in the Court and they have been identified by their counsel and by the Investigating Officer SI Mahesh Yadav, PS. Defence Colony

6. The allegations in the present FIR are that the petitioner had been stalking the respondent no.2 and started misbehaving with her and claiming that respondent no.2 is legally wedded wife of the petitioner this led to the registration of present FIR.

7. The learned counsel for the petitioner submits that though the parties have married but the marriage itself is now being questioned by the respondent no.2.

8. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of Settlement Deed dated 23.06.2022, which is annexed as Annexure F to the present petition.

9. As per the said settlement, it has been agreed between the parties that the respondent no.2 shall cooperate with the petitioner for the quashing of the present FIR.

10. The respondent no.2, on a query put by the Court, affirms the factum of Settlement and 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.315/2015 under Sections 452/354/354D/506 IPC registered at Police Station Defence Colony 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 26, 2024/dss