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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1642/2024**
RAVI @KABUTAR & ANR. Petitioners
Through: Mr. Kushal Raj Gupta, Adv.

versus

STATE GNCT OF DELHI & ORS. Respondents
Through: Mr. Raj Kumar, APP for State with SI
Parmender Kumar, PS. Rani Bagh,
Delhi.
Ms. Muskan Mahajan, Adv. for R-2 &
R-3.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
28.02.2024

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CRL.M.A. 6346/2024 (exemption)

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

CRL.M.C. 1642/2024

3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.555/2015 under Sections 308/34 IPC registered at Police Station Rani Bagh 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 quarrel and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed. He, however, submits that since the charge sheet had already been filed by the police some cost may be imposed on the petitioners.



5. The petitioner nos.1 and 2, as well as, respondent no. 2 (injured) and respondent no.3 (complainant) are present in the Court and they have been identified by their counsel and by the Investigating Officer SI Parmender Kumar, PS. Rani Bagh, Delhi.

6. The brief facts of the case are that on 02.08.2015, a boy boarded the RTV at Saraswati Vihar and sat near the driver Kailash and after about 100 meters from the stand, the boy asked the driver Kailash to stop the car. When driver Kailash refused to stop the RTV then that boy took out the keys of the moving vehicle. Ravi@ Kabutar/petitioner no.1 and 3 other boys boarded the RTV with sticks and threatened the complainant to stop working as a conductor and later started beating him and due to which the respondent no.2 suffered injuries. The dispute between the parties led to the registration of present FIR, at the instance of respondent no.3.

7. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Understanding/ Compromise Deed dated 09.02.2024, which is annexed as Annexure A-4 to the present petition.

8. The respondent nos.2 and 3, on a query put by the Court, states that they have 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 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. Considering that the State machinery has been put into motion and considerable time and resources of the investigating agency have been spent in the investigation of the matter and further judicial time has also been wasted, it is deemed appropriate to impose cost of Rs.5,000/- each on the petitioners. Accordingly, the petitioners are directed to deposit cost of Rs. 5,000/- each with the Delhi State Legal Services Authority (DSLSA) and the said amount should be utilized towards counselling / psychological support to be provided to POCSO victims requiring such assistance.

13. Consequently, the petition is allowed and the FIR No.555/2015 under Sections 308/34 IPC registered at Police Station Rani Bagh alongwith all other proceedings emanating therefrom, is quashed, subject to depositing the cost as aforesaid.

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

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

VIKAS MAHAJAN, J

FEBRUARY 28, 2024/dss