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

+ **CRL.M.C. 1736/2024**

BHAGIRATH AND ANR

.... Petitioners

Through: Mr Jai Dev Sharma, Advocate along
with petitioners in person.

versus

**STATE THROUGH SHO PS BINDAPUR
AND ANR**

..... Respondents

Through: Mr Raghvinder Varma, APP for the
State with SI Lalit Kumar, PS
Bindapur.
Mr Jatin Seth, Advocate for R-2 along
with R-2 through video conferencing.

**CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN**

ORDER
16.04.2024

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CRL.M.A. 6638/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 1736/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0495/2013 under Sections 354/323/34 IPC registered at Police Station Bindapur and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

3. Issue notice. The learned APP for the State accepts notice. He submits that since the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.

4. The petitioners are present in the Court whereas, the respondent no.2



has joined through video conferencing. The parties have been identified by their respective counsel and by the Investigating Officer SI Lalit Kumar, PS Bindapur.

5. The brief facts of the case are that on 06.10.2023, the petitioners misbehaved with the respondent no.2 due to which scuffle took place between the petitioners and the respondent no.2. This led to the registration of present FIR at the instance of respondent no. 2.

6. During the pendency of the proceedings, the parties were referred to the Mediation Centre, Dwarka Courts, New Delhi, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 22.11.2023, which is annexed as Annexure P-4 to the present petition.

7. In terms of the said settlement, the parties have tendered unconditional apology to each other and have undertaken not to repeat the same act in future and will maintain peaceful relations. It is also recorded in the settlement that the parties shall remain bound by the terms and conditions of the settlement.

8. It is also a term of the settlement that the respondent no.2 shall cooperate in quashing of the aforesaid FIR.

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

10. 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.”

11. 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.
12. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.
13. Consequently, the petition is allowed and the FIR No.0495/2013 under Sections 354/323/34 IPC registered at Police Station Bindapur alongwith all other proceedings emanating therefrom, is quashed.
14. The petition stands disposed of in the above terms.
15. Order be uploaded on the website of this court.

APRIL 16, 2024
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VIKAS MAHAJAN, J