



\$~2

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

+ **CRL.M.C. 1739/2024**

BABU GIRI & ORS.

..... Petitioner

Through: Mr. Sachin, Adv. with petitioners in person.

versus

STATE THROUGH SHO.

..... Respondent

Through: Mr. Raghuinder Verma, APP for State with ASI Kamal Singh, ASI Banai Singh and SI Sandeep PS Dabri
Mr. Akhil Anand and Mr. Naman Sharma, Advs. for R2 with respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

29.04.2024

%

CRL.M.A. 6668/2024 (exemption)

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

CRL.M.C. 1739/2024

3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.771/2019 under Sections 323/354A/509/506/34 IPC registered at Police Station Dabri, Dwarka 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 parties have arrived at a settlement, the State has no objection



in case the FIR in question is quashed.

5. The petitioners, as well as, respondent no. 2 are present in the Court and they have been identified by their respective counsel and by the Investigating Officer ASI Kamal Singh, ASI Banai Singh and SI Sandeep PS Dabri.

6. The brief facts of the case are that a fight took place between the petitioners on one side and the family of the respondent no. 2, as well as, another neighbour namely Mr. Gautam Das on the other side, which led to the registration of present FIR at the instance of respondent no. 2. The dispute also led to the registration of cross FIR No. 772/2019 under Section 323/354A/509/506/34 IPC registered at PS Dabri, Dwark at the instance of petitioner no. 5 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 19.01.2023, which is annexed as Annexure P5 to the present petition.

8. It is recorded in the settlement that the parties have arrived at a settlement and they shall cooperate with each other for quashing of both the FIRs.

9. The respondent no.2 / complainant, who is present in Court, 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.771/2019 under Sections 323/354A/509/506/34 IPC registered at Police Station Dabri, Dwarka along with all other consequential 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.

VIKAS MAHAJAN, J

APRIL 29, 2024
N.S. ASWAL