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

+ **CRL.M.C. 1799/2024**

MOHD ATHAR & ANR

..... Petitioners

Through: Mr. B. Khan, Adv. with petitioners in person.

versus

STATE THROUGH S H O & ANR.

..... Respondents

Through: Mr. Raghuinder Verma, APP for State with ASI Chatar Singh Police Station Sadar Bazar
Mr. Mukul Gupta and Ms. Taniya Tejan, Adv. for R2 with respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

04.03.2024

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CRL.M.A. 6859/2024 (exemption)

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

CRL.M.C. 1799/2024 & CRL.M.A. 6858/2024 (stay)

3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.709/2023 under Sections 308/506/34 IPC registered at Police Station Sadar Bazar 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. He further apprises the Court that the parties are neighbours and the injuries suffered by the respondent no. 2 / victim is simple in nature.

6. The petitioner nos.1 and 2, 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 Chatar Singh Police Station Sadar Bazar.

7. The brief facts of the case are that on 06.07.2023 arguments took place between the complainant/respondent no. 2 and the petitioners as the petitioner no. 1, who is a *Paratha* vendor, did not give onion and pickle to the complainant/respondent no. 2. The arguments escalated to a fight in which respondent no. 2 suffered injuries, which led to the registration of aforesaid FIR.

8. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of compromise deed/MoU dated 06.01.2024, which is annexed as Annexure P5 to the present petition.

9. Amongst others, it is a term of the settlement that the respondent no. 2 shall cooperate with the petitioners for the quashing of aforesaid FIR.

10. The respondent no.2, on a query put by the Court, states that he 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 other proceedings emanating therefrom be quashed.
14. Consequently, the petition is allowed and the FIR No.709/2023 under Sections 308/506/34 IPC registered at Police Station Sadar Bazar along with all other consequential 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

MARCH 4, 2024

N.S. ASWAL