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

+ **CRL.M.C. 1882/2024**

NARENDER

..... Petitioner

Through: Mr Sandeep Bidhuri, Mr Pawan Kumar and Mr Surender Kumar, Advocates along with petitioner in person.

versus

**THE STATE GOVT OF NCT OF DELHI
AND ANR**

..... Respondents

Through: Mr Raj Kumar, APP for the State with SI Sachin, PS Amar Colony.
Respondent no.2 in person.

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

ORDER
06.03.2024

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CRL.M.A. 7199/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 1882/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0376/2021 under Section 308 IPC registered at Police Station Amar Colony 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 petitioner, as well as, respondent no. 2 are present in the Court



and they have been identified by the Investigating Officer SI Sachin, PS Amar Colony.

5. The brief facts of the case are that at around 6:30 PM when the respondent no.2 was going from Kalkaji to Okhla Mandi for buying some fruits suddenly the petitioner came on his motorcycle and hit the respondent no.2 which led to heated arguments between the parties. The dispute between the parties also led to the registration of present FIR.

6. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Understanding dated 23.11.2023 which is annexed as Annexure-B to the present petition.

7. In terms of the said settlement, the parties decided to settle all their disputes amicably.

8. It is a term of the settlement between the parties that the respondent no.2 shall cooperate with the petitioner in quashing of the aforesaid FIR.

9. The respondent no.2, on a query put by the Court, states that he 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.0376/2021 under Section 308 IPC registered at Police Station Amar Colony 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.

VIKAS MAHAJAN, J

MARCH 6, 2024
MK