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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1897/2024**
SUMIT KUMAR Petitioner
Through: Mr. Deepanshu Gola, Adv.

versus

STATE OF NCT OF DELHI & ORS. Respondents
Through: Mr. Raghuvinder Verma, APP for
State with SI Ishant, PS. Mukherjee
Nagar.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN
ORDER
% **16.05.2024**

CRL.M.A. 7268/2024 (exemption)

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

CRL.M.C. 1897/2024

3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.872/2016 under Section 307 IPC (subsequently, the charge sheet was filed under Sections 323/324 IPC) registered at Police Station Mukherjee Nagar 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 Section 323 IPC is compoundable and the only section which is non-compoundable is Section 324 IPC. He further 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 petitioner, as well as, respondent nos. 2 and 3 are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Ishant, PS. Mukherjee Nagar.

6. The brief facts of the case are that the respondent no.2/complainant made a complaint alleging that the petitioner had assaulted him which culminated into the registration of aforesaid FIR.

7. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of Compromise Deed dated 22.11.2023, which is annexed as Annexure D 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. Consequently, the petition is allowed and the FIR No.872/2016 under Section 307 IPC (subsequently, the charge sheet was filed under Sections 323/324 IPC) registered at Police Station Mukherjee Nagar alongwith all other proceedings emanating therefrom, is quashed.
13. The petition stands disposed of in the above terms.
14. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

MAY 16, 2024/dss