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

+ **W.P.(CRL) 804/2024**

DEEPAK CHAUDHARY

..... Petitioner

Through: Mr Shahid Azad, Mr Shailey Shukla
and Mr Shoaib, Advocates.
Petitioner through VC.

versus

THE STATE & ANR.

..... Respondents

Through: Mr Sanjay Lao, Standing Counsel for
the State with SI Kaplian Thang, PS
Janakpuri.
Mr Matleen Ahmed and Ms Meenu
Sharma, Advocates for R-2.
Respondent no.2 through VC.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

11.03.2024

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CRL.M.A. 7512/2024

1. Allowed, subject to all just exceptions.

W.P.(CRL) 804/2024

2. The present petition has been filed under Article 226 of the Constitution of India read with Section 482 CrPC seeking quashing of FIR No.0240/2022 under Sections 420/468/471/120B IPC registered at Police Station Janakpuri and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

3. Issue notice. The learned Standing Counsel 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. He further submits that some costs may be imposed on the parties as the considerable time and efforts have been spent in the investigation.



4. The petitioner, 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 with SI Kaplian Thang, PS Janakpuri.
5. The brief facts of the case are that the petitioner was working as an accountant in the office of the respondent no.2. The allegations were made by the respondent no.2 that the petitioner has fabricated rent agreement, bill and invoices and also conspired to cheat the respondent no.2 and other departments. The respondent no.2 made a complaint to the SHO and the FIR came to be registered against the petitioner.
6. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated January, 2024, which is annexed as Annexure-2 (Colly.) to the present petition.
7. It is recorded in the settlement that the parties have agreed to resolve all their disputes amicably after some deliberations and negotiations.
8. It is also a term of the settlement that the respondent no.2 shall cooperate with the petitioner for the quashing of the FIR.
9. The respondent no.2, who joined through video conferencing, on a query put by the Court, affirms the fact of settlement and 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. In the present case, the State machinery has been put into motion and considerable time and resources of the investigating agency have been spent in the investigation of the matter, it is deemed appropriate to impose cost of Rs.10,000/- each on both the petitioner, as well as, the respondent no.2. Accordingly, the parties are directed to deposit costs of Rs.10,000/- each with the Delhi State Legal Services Authority and the said amount should be utilized towards counselling / psychological support to be provided to POCSO victims requiring such assistance.
14. Consequently, the petition is allowed and the FIR No.0240/2022 under Sections 420/468/471/120B IPC registered at Police Station Janakpuri alongwith all other proceedings emanating therefrom, is quashed subject to the parties depositing the costs as stated above.
15. The petition stands disposed of in the above terms.
16. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

MARCH 11, 2024/MK