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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 808/2024**
ALMAS KAKUL & ANR. Petitioners
Through: Mr. Shahbaz Ahmad Naik, Adv.

versus

STATE OF NCT OF DELHI & ANR. Respondents
Through: Mr. Sanjay Lao, SC for State with SI
Amit Beniwal, PS. Vivek Vihar.
Mr. Mohd. Sohail Alam and Mr. Saad
Iqbal, Adv. for R-2.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
14.05.2024

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1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.435/2018 under Sections 323/354/506/509/34 IPC registered at Police Station Vivek Vihar and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Notice was issued in the present petition on 11.03.2024. The learned Standing Counsel appearing on behalf of the State submits that since the FIR is an outcome of a quarrel between the parties and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
3. 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 SI Amit Beniwal, PS. Vivek Vihar.



4. The brief facts of the case are that both the parties are neighbours and are residing in the same apartment. A quarrel took place between the petitioner's family on one side and the family of the respondent on the other side which led to the registration of following two cross FIRs between the parties.

(i) FIR No. 435/2018 (the present FIR) under Sections 323/354/506/509/34 IPC registered at Police Station Vivek Vihar at the instance of the respondent no.2;

(ii) FIR No.422/2018 under Sections 323/354/506/34 IPC registered at Police Station Vivek Vihar.

5. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Understanding dated 02.11.2023, which is annexed as Annexure P-5 to the present petition.

6. It is recorded in the settlement that the parties have amicably resolved all their disputes and they shall cooperate with each other for the quashing of cross-FIRs.

7. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.

8. 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.”

9. 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.
10. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.
11. Consequently, the petition is allowed and the FIR No.435/2018 under Sections 323/354/506/509/34 IPC registered at Police Station Vivek Vihar alongwith all other proceedings emanating therefrom, is quashed.
12. The petition stands disposed of in the above terms.
13. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

MAY 14, 2024/dss