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

+ **CRL.M.C. 1580/2022**

DHARMENDRA SINGH AND ORS

..... Petitioners

Through: Mr Siddharth Aggarwal, Sr. Advocate
with Mr Nikhil Pillai, Mr Kshitij
Vaibhav, Mr Athak Walia and Mr
Harsh Yadav, Advocates along with
petitioners

versus

STATE AND ORS

..... Respondents

Through: Mr Raj Kumar, APP for the State
with SI Esthn Dazii Duo, DIU/SD.
Mr R. H. A. Sikander, Ms Mahima
Rathi and Mr Jatin Bhatt, Advocates
for R-2 and R-3 along with R-2 and
R-3 in person.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
23.04.2024

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CRL.M.A.11751/2024

1. The present joint application has been filed by the parties to dispose of the petition on the ground that the parties have arrived at a settlement and they are seeking quashing of the impugned proceedings being CR No. 2035887/2016 titled as 'State vs. Ram Prakash & Ors.' pending before the Court of learned Metropolitan Magistrate, South District, Saket Courts, New Delhi; FIR No. 442/2013 dated 03.09.2013 under Sections



323/341/506/509/34 of the IPC registered at PS Malviya Nagar, New Delhi and all other proceedings.

2. The main petition bearing CRL.M.C. 1580/2022 has been filed seeking quashing/setting aside of the impugned FIR No.0442/2014 dated 03.09.2013; the impugned order dated 14.09.2015 passed in CR No.2035887/2016 titled as 'State vs. Ram Prakash' whereby the learned Metropolitan Magistrate has taken cognizance of offences under Sections 323/341/506/34 IPC and summoned the petitioners herein, as well as, all other proceedings emanating therefrom.

3. During the pendency of aforesaid petition, the parties were referred to the Delhi High Court Mediation and Conciliation Centre by this Court *vide* order dated 08.08.2023 passed in CRL.M.C. 416/2017 and CRL.M.C. 608/2017.

4. Before the learned Mediator, the parties had arrived at a settlement, terms whereof were reduced in writing in the form of Settlement Agreement dated 03.04.2024, a copy of which is annexed as Annexure A-1 to the CRL.M.A.11751/2024.

5. As per the said settlement, though the parties have not been able to resolve all their disputes and differences, but they have broadly arrived at an understanding whereunder they have agreed to partially withdraw certain litigations against each other as mentioned in paragraph 2 of the said settlement and to seek quashing of FIR.

6. Accordingly, the present application has been filed by the parties.

7. The parties are present in the Court and they have been identified by their respective counsels, as well as, by the Investigating Officer SI Esthn Dazii Duo, DIU/SD. They affirm the factum of settlement having been



arrived at between them. The parties also undertake to abide all the terms and conditions recorded in the settlement agreement. The undertaking is taken on record.

8. The respondent nos.2 & 3 who are the complainants, on a query put by the Court, state that they have no objection in case the aforesaid 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 CR No. 2035887/2016 titled as ‘State vs. Ram Prakash & Ors.’, as well as, the FIR No.042/2013 under Sections 323/341/506/509/34 IPC registered at Police Station Malviya Nagar alongwith all other proceedings emanating therefrom, are quashed.

13. The petition stands disposed of in the above terms.



14. Order be uploaded on the website of this court.
The date already fixed as 30.07.2024 stands cancelled.

APRIL 23, 2024/MK

VIKAS MAHAJAN, J