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

+ **CRL.M.C. 2239/2024**

RAJESH GUPTA @ BRIJESH @ RAJU Petitioner

Through: Mr Shailendra Singh and Mr Harsh Choudhary, Advocates along with petitioner in person.

versus

STATE OF NCT OF DELHI & ANR. Respondents

Through: Ms Meenakshi Dahiya, APP for the State with SI Chanchal, Police Station Amar Colony.
Mr Samsdn Honey, Advocate for R-2 along with R-2 in person.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
20.03.2024

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CRL.M.A. 8660/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 2239/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0233/2018 under Sections 354D/509 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. She 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 their respective counsel and by the Investigating Officer SI Chanchal, Police Station Amar Colony.
5. The brief facts of the case are that the petitioner and the respondent no.2 are neighbours and they are residing in the same building but on separate floors. A quarrel had taken place between the petitioner and his wife on one side and the respondent and her husband on the other side which led to the registration of two cross FIRs including the present FIR. The cross FIR No.0232/2018 under Sections 354D/509 IPC was registered at PS Amar Colony at the instance of the wife of the petitioner.
6. During the pendency of the proceedings, the parties were referred to the Delhi High Court Mediation and Conciliation Centre, Sher Shah Raod, New Delhi, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 23.02.2024, which is annexed as Annexure P-5 to the present petition.
7. In terms of the said settlement, the parties decided to maintain peaceful and cordial relationship among themselves.
8. It is also a term of the settlement that the parties shall not use unparliamentary language against each other and have decided to put quietus to the disputes between them.
9. The respondent no.2, on a query put by the Court, states that she 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.0233/2018 under Sections 354D/509 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 20, 2024
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