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

+ **CRL.M.C. 2324/2024**

JAYNINDER SINGH @ JONNY AND ORS Petitioners

Through: Mr. Arun Sheoran, Adv.

versus

STATE OF DELHI AND ANR & ANR. Respondents

Through: Mr. Raj Kumar, APP for State with SI
Amit Beniwal and SI Manbir Singh,
PS. Vivek Vihar.

Mr. Rahul Rohilla, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **21.03.2024**

CRL.M.A. 8952/2024 (exemption)

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

CRL.M.C. 2324/2024

3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.313/2021 under Sections 448/451/354/354B IPC registered at Police Station Vivek Vihar 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 since the FIR is an outcome of a property dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
5. The petitioner nos. 1 to 3, 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 and SI Manbir Singh, PS. Vivek Vihar.

6. The brief facts of the case are that the husband of respondent no.2 purchased a property bearing No. House No. 56-A/5, Circular Road, Shahdara, Delhi from Ashok Kumar Gupta (Builder) and gave it to one Pramod to live there. Later on, Pramod vacated the said premises and handed over the keys to the respondent no.2. On 18.07.2021 when the respondent no.2 tried to open the lock of the said house, the petitioners went there and started quarrelling with the respondent no.2 and her husband. Due to which the respondent no.2 and her husband sustained injuries, this led to the registration of the aforesaid FIR at the instance of the respondent no.2.

7. 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 29.02.2024, which is annexed as Annexure B to the present petition.

8. The respondent no.2, on a query put by the Court, states that she has 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.313/2021 under Sections 448/451/354/354B IPC registered at Police Station Vivek Vihar 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

MARCH 21, 2024/dss