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

+ **W.P.(CRL) 1015/2024**

MOHD. ARIF KHAN & ANR.

..... Petitioners

Through: Mr Vishal Raj Sehijpal, Advocate
along with petitioners in person.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr Sanjay Lao, Standing Counsel for
the State with Mr Shivesh Kaushik
and Ms Priyam Aggarwal, Advocate
for State with HC Narender Singh
with SI Jaivind Kumar, PS Jamia
Nagar.

Mr Purushendra Bhardwaj, Advocate
for R-2 along with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

01.04.2024

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CRL.M.A. 9638/2024

1. Allowed, subject to all just exceptions.

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2. The present petition has been filed under Article 226 seeking quashing of FIR No.0004/2024 under Sections 288/337/34 IPC registered at Police Station Jamia Nagar 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. He submits that since the parties are related to each other and they have arrived at a



settlement, the State has no objection in case the FIR in question is quashed.

4. The petitioners, as well as, respondent no. 2/complainant/injured are present in the Court and they have been identified by their respective counsel and by the Investigating Officer HC Narender Singh with SI Jaivind Kumar, PS Jamia Nagar.

5. The brief facts of the case are that the petitioner no.2 and the respondent no.2 are cousins and the respondent no.2 is working with the petitioner no.2 since long as painter/POP labourer. On 21.01.2024, the respondent no.2, while doing certain POP work on the roof of a house which was being built-up/renovated by the petitioners, fell down in the room and sustained injuries which led to the registration of the aforesaid FIR.

6. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Understanding/Settlement dated 23.03.2024, which is annexed as Annexure P-2 to the present petition.

7. It is recorded in the settlement that all the medical expenses of the respondent no.2 was taken care of by the petitioners and the money was also paid to his family to enable them to meet their day-to-day expenses during the period respondent no.2 could not pursue his employment.

8. It is also mentioned in the settlement that the respondent no.2 has no objection in case the aforesaid FIR is quashed.

9. The respondent no.2, on a query put by the Court, 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. Consequently, the petition is allowed and the FIR No.0004/2024 under Sections 288/337/34 IPC registered at Police Station Jamia Nagar 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

APRIL 1, 2024
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