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

+ **CRL.M.C. 2619/2024**

ISHAN SHRESHTHA

..... Petitioner

Through: Ms. Jyoti Gupta & Mr. Abhishek
Sharma, Advocates alongwith
petitioner in person.

versus

STATE & ANR

..... Respondents

Through: Mr. Hemant Mehla, APP for the
State with SI Abhishek Guleria, P.S.
Kalyanpuri.
Mr. B.K. Mishra, Advocate for R-2
alongwith R-2 in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **03.04.2024**

CRL.M.A. 9995/2024 (Exemption)

1. Exemption allowed, subject to just exceptions.
2. The application is disposed of accordingly.

CRL.M.C. 2619/2024

3. The present petition filed under Section 482 of the Cr.P.C. seeks quashing of FIR No. 798/2013, under Sections 354/323/506/34 of the IPC, registered at P.S. Kalyanpuri and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of learned Metropolitan Magistrate Ms Shazadi Halima Sadiya, Karkardooma Courts, Delhi.
4. Learned counsel appearing on behalf of the petitioner submits that the latter and respondent no. 2 during the pendency of the aforesaid proceedings



have entered into a settlement agreement on 21.08.2023 before Delhi Mediation Centre, Karkardooma Courts, Delhi for an total amount of Rs. 75,000/-. It is further submitted that in pursuance of the aforesaid agreement, the learned Trial Court *vide* order dated 24.01.2024, on the statement of the complainant has acquitted the present petitioner and the other co-accused namely, Ms. Poonam Shreshtra for offences punishable under Sections 506/323/34 of the IPC. It is further submitted that for the purpose of Section 354 of the IPC, the present petition has been filed.

5. The petitioner and complainant/respondent no. 2 are present before the Court and have been duly identified by their respective counsel, as well as the Investigating Officer, SI Abhishek Guleria, P.S. Kalyanpuri.

6. In terms of the aforesaid settlement, an amount of Rs. 30,000/- has been already paid to respondent no. 2 and the remaining amount of Rs. 45,000/- has been paid to her, in cash, in Court today, who acknowledges the receipt of the same.

7. The complainant/respondent No.2 states that the matter has been settled with the petitioners and she has no objection if the FIR is quashed *qua* the present petitioner under Section 354 of the IPC. She further states that all the terms of the settlement have been complied with.

8. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.

9. In *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, the Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-

“61. ... In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings



would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

10. In view of the aforesaid circumstances, and the fact that the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 798/2013, under Sections 354/323/506/34 of the IPC, registered at P.S. Kalyanpuri and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of learned Metropolitan Magistrate Ms Shazadi Halima Sadiya, Karkardooma Courts, Delhi.

11. In the interest of justice, the petition is allowed, and the FIR No. 798/2013, under Sections 354/323/506/34 of the IPC, registered at P.S. Kalyanpuri and all other consequential proceedings emanating therefrom, including the chargesheet pending before the Court of learned Metropolitan Magistrate Ms Shazadi Halima Sadiya, Karkardooma Courts, Delhi.

12. Petition is allowed and disposed of accordingly.

13. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

APRIL 03, 2024/bsr

Click here to check corrigendum, if any