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

+ CRL.M.C. 2918/2024

SURAJ KUMAR

..... Petitioner

Through: Mr. Yatharth Singh, Mr. Vipin Kumar
Mishra and Mr. Ratnesh Pratap Singh,
Advts. with petitioner in person.

versus

STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Hitesh Vali, APP for State with
W/SI Rashmi ASI Brajendra Singh
(Main IO) PS Dwarka North
Respondent nos. 2 and 3 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

15.04.2024

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1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.647/2020 under Sections 323/354/34 IPC registered at Police Station Dwarka North and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Issue notice. The learned APP for the State accepts notice. He submits that since the parties have arrived at a settlement and the injuries involved in the present case are simple in nature, the State has no objection in case the FIR in question is quashed.
3. He further points out that in the present petition only the respondent / complainant has been arrayed as respondent no. 2 whereas the victim who suffered injuries has not been arrayed as respondent.
4. On the oral request of the learned counsel for the petitioner the respondent Manish Choudhary who is victim is arrayed as respondent no. 3.



The learned counsel has handed over amended memo of parties, the same is taken on record.

5. The petitioner, as well as, respondent no. 2 are present in the Court whereas the respondent no. 3 has joined through VC. The parties have been identified by the learned counsel for the petitioner and by the Investigating Officer W/SI Rashmi and ASI Brajendra Singh (Main IO) PS Dwarka North.

6. The brief facts of the case are that on 14.12.2020 the petitioner had come to meet the co-accused namely Aman Yadav at his residence, who is a neighbour of the respondent no. 2. Due to honking, the dispute arose which led to a scuffle in which the respondent no.3 received injuries. This led to the registration of aforesaid FIR against the present petitioner, as well as, co-accused Aman Yadav.

7. The learned counsel for the petitioner submits that the injuries received by the respondent no.3 were simple in nature.

8. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Settlement deed dated 03.04.2024, which is annexed as Annexure P6 to the present petition.

9. It is recorded in the settlement that the petitioner, as well as, respondent nos. 2 and 3 have amicably settled their disputes.

10. It is also a term of the settlement that the respondents will cooperate with the petitioner for quashing of FIR *qua* the petitioner.

11. The respondent no.2, who is present in Court, as well as, the respondent no. 3, who has joined through VC, on a query put by the Court, states that they have no objection in case the FIR is quashed *qua* the



petitioner.

12. 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.”

13. 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.

14. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

15. Consequently, the petition is allowed and the FIR No.647/2020 under Sections 323/354/34 IPC registered at Police Station Dwarka North along with all other consequential proceedings emanating therefrom, is quashed *qua* the petitioner.

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

17. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

APRIL 15, 2024/N.S. ASWAL