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

+ **CRL.M.C. 3142/2024**

JITENDER KUMAR

..... Petitioner

Through: Mr Atul Verma, Mr Bibhash Kumar
and Mr Nagendra Singh, Advocates
along with petitioner in person.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR. Respondents

Through: Mr Raj Kumar, APP for the State
with SI Yashpal Singh, PS Farsh
Bazar.
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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26.04.2024

CRL.M.A. 12174/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 3142/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0282/2020 under Sections 323/452/201 IPC registered at Police Station Farsh Bazar 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 FIR is an outcome of a matrimonial dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.



4. The petitioner (husband), as well as, respondent no. 2 (wife) is present in the Court and they have been identified by the counsel and by the Investigating Officer SI Yashpal Singh, PS Farsh Bazar.
5. The brief facts of the case are that the marriage between the petitioner and respondent no. 2 was solemnized on 18.11.2015 according to Hindu Rites and Customs.
6. On account of temperamental issues certain disputes arose between the parties and they started living separately. On 28.06.2020, a scuffle took place between the parties in which the respondent no.2 suffered simple injuries. This led to the registration of present FIR.
7. During the pendency of the proceedings, the parties have arrived at an oral settlement.
8. In terms of the said settlement, the parties have decided to live together as husband and wife. The petitioner and the respondent no.2, who are present in the Court affirm that now they are residing together since the month of October, 2021.
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.0282/2020 under Sections 323/452/201 IPC registered at Police Station Farsh Bazar 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.
16. Order *dasti* under signatures of the Court Master.

APRIL 26, 2024
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VIKAS MAHAJAN, J