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

+ **CRL.M.C. 3185/2024**

RAVINDER KUMAR KACHRU & ANR. Petitioners

Through: Mr. Deepanshu Choithani, Mr.
Mayank Pachauri, Mr. Hasan Zaidi
and Mr. Rohit Kumar, Advs. along
with petitioners

versus

STATE & ORS. Respondents

Through: Mr. Raj Kumar, APP for State with SI
Mahavir Singh, P.S New Friends
Colony
Mr. Ridan Arora, Adv. for R-2, R-3
and R-4 along with respondents no.3
and 4

**CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN**

ORDER
25.04.2024

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CRL.M.A. 12306/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 3185/2024

2. The present petition has been filed seeking quashing of FIR No.70/2024 under Sections 288/336 IPC registered at PS New Friends Colony on the ground that the parties have arrived at a settlement.

3. Issue notice. Learned APP for the State accepts notice.

4. The petitioners, as well as, respondents no.3 and 4 are present in the



court and they have been identified by their respective counsel and by the Investigating Officer.

5. The case of the prosecution is that petitioners who are co-owners of the property bearing No.203, Sukhdev Vihar, New Delhi-110025 were raising construction on their residential premises. In the process the adjacent boundary wall of the property bearing No.202, Sukhdev Vihar, New Delhi, which is jointly owned by the respondent no.2 to 4, got damaged. This led to the registration of the aforesaid FIR.

6. During the pendency of the proceedings, the parties have arrived at a settlement, the terms whereof have been reduced in writing in the form of Memorandum of Understanding dated 03.04.2024, which is annexed as Annexure-3 to the present petition. It is a term of the settlement that the petitioners shall pay an amount of Rs.30 lacs to the respondents no.2 to 4 in the manner stated in para 2 of the settlement.

7. The learned counsel for the petitioner as well as respondents no.3 and 4 who are present in Court affirm the factum of settlement and acknowledge having received entire settlement amount of Rs.30 lacs.

8. It is also a term of the settlement that the respondents shall cooperate with the petitioners for the quashing of aforesaid FIR.

9. The respondents no.3 and 4, on a query put by the Court, state that they have 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 other proceedings emanating therefrom are quashed.
13. Consequently, the petition is allowed and the FIR No. 70/2024 under Sections 288/336 IPC registered at PS New Friends Colony along with all other consequential 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.

VIKAS MAHAJAN, J

APRIL 25, 2024

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