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

+ W.P.(CRL) 1253/2024

ANUJ S/O BHAGWAN DAS

..... Petitioner

Through: Mr. M.L. Yadav and Mr. Harish
Chand, Advs.

versus

STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Yasir Rauf Ansari, ASC with Mr.
Alok Sharma and Mr. Vasu Agarwal,
Advs. for State
ASI Kamlesh Ram, P.S. Narela Indl.
Area, Outer North Distt.
Counsel for respondent no.2
(appearance not given) along with
respondent no.2 in person

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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25.04.2024

1. The present petition has been filed seeking quashing of FIR No.806/2023 under Sections 288/337 IPC registered at Police Station Narela Industrial Area and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Issue notice. The learned ASC for the State accepts notice.
3. The petitioner, as well as, respondent no. 2 are present in the Court and they have been identified by their respective counsel and by the Investigating Officer ASI Kamlesh Ram.



4. The brief facts of the case are that on 23.09.2023 the respondent no.2/victim had fallen from the roof of the residence of the petitioner and received injuries. This led to the registration of the aforesaid FIR at the instance of respondent no.2.

5. 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 dated 08.04.2024, which is annexed as Annexure P-2 to the present petition.

6. It is a term of settlement that the petitioner shall pay a sum of Rs.45,000/- to the respondent no.2 to compensate him for the injuries suffered by him.

7. The respondent no.2, who is present in Court, affirms the factum of settlement and acknowledges having received the compensation amount of Rs.45,000/-. He states that he has no objection in case the aforesaid FIR is quashed.

8. 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.”

9. 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.

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

11. Consequently, the petition is allowed and the FIR No. 806/2023 under Sections 288/337 IPC registered at Police Station Narela Industrial Area along with all other consequential proceedings emanating therefrom, is quashed.

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

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

VIKAS MAHAJAN, J

APRIL 25, 2024

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