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

+ **CRL.M.C. 3250/2024**

SONU & ORS.

..... Petitioners

Through: Mr Hemant Kakkar, Advocate along
with petitioners in person.

versus

STATE (N.C.T. OF DELHI) & ANR.

..... Respondents

Through: Mr Raj Kumar, APP for the State
with SI Puja, PS Burari.
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

26.04.2024

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CRL.M.A. 12528/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 3250/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0673/2020 under Sections 354/354B/323/509/34 IPC registered at Police Station Burari 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 the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.

4. The petitioners, as well as, respondent no. 2 is present in the Court



and they have been identified by the Investigating Officer SI Puja, PS Burari.

5. The learned counsel for the petitioners submits that the parties are related to each other inasmuch as petitioner no.5 is married to the brother of the respondent no.2.

6. On account of temperamental issues, petitioner no.5 started living separately from the brother of the respondent no.2 w.e.f. 25.02.2020. The dispute between the parties also led to the registration of present FIR at the instance of the respondent no.2.

7. During the pendency of the proceedings, a settlement was arrived at between the petitioner no.5, her husband, namely Ajay, as well as, the respondent no.2, terms whereof have been reduced in writing in the form of Mutual Settlement/Agreement/MOU dated 20.07.2023, a copy of which is annexed as Annexure P-2 to the present petition.

8. As per the said settlement, the petitioner no.5 and her husband, namely, Ajay have also taken steps to dissolve their marriage by obtaining a decree of divorce by mutual consent.

9. According to the learned counsel for the petitioners, the first motion petition has already been allowed.

10. It is a term of the settlement that the respondent no.2 shall cooperate with the petitioners for the quashing of the present FIR.

11. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.

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.0673/2020 under Sections 354/354B/323/509/34 IPC registered at Police Station Burari alongwith all other proceedings emanating therefrom, is quashed.

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

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

VIKAS MAHAJAN, J

APRIL 26, 2024
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