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

+ **CRL.M.C. 3081/2024**

SH. ANIL KUMAR & ORS. Petitioners

Through: Mr. Raj Kumar, Adv.

versus

THE STATE NCT OF DELHI AND ANR. Respondents

Through: Mr Raj Kumar, APP for the State
with SI Vinay, PS Laxmi Nagar.
Mr. R.S. Sharma, Adv. for R-2

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **24.04.2024**

CRL.M.A. 11931/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 3081/2024

3. The present petition has been filed seeking quashing of FIR No.0766/2017 under Sections 323/354/34 of the Indian Penal Code, 1860 registered at P.S. Shakarpur on the ground that the parties have arrived at a settlement.
4. Issue notice. Learned APP for the State accepts notice.
5. He submits that since the present FIR is an outcome of a matrimonial dispute between the respondent no.2 and her husband, the State has no objection in case the present FIR is quashed.



6. Petitioner no.1 and petitioner no.2, brother-in-law and sister-in-law of respondent no.2 as well as respondent no.2, are present in Court whereas petitioner no.3, sister of sister-in-law of respondent no.2, has joined through VC. They have been identified by the learned counsel for the petitioners, as well as, by the Investigating Officer.

7. The case of the prosecution is that respondent no.2 was married to one Vinod Kumar on 10.02.2008. On account of temperamental issues, they started living separately from the year 2014. One male child was born out of the said wedlock who is in care and custody of the respondent no.2. The dispute between the husband and wife also led to the registration of present FIR in which petitioners herein were arraigned as accused.

8. During the pendency of the proceedings, respondent no.2 and her husband arrived at a settlement, in terms whereof full and final settlement amount of Rs.15 lacs was paid to respondent no.2 by her husband. The said settlement is annexed as Annexure-D to the present petition.

9. In terms of the aforesaid settlement, which had taken place before the Delhi Mediation Centre, Karkardooma Courts, Delhi, it was also agreed that the respondent no.2 shall cooperate with the petitioners for quashing of the aforesaid FIR.

10. Respondent no.2 is present in Court. On a query posed by the Court, she affirms the factum of settlement and also acknowledges having received the entire settlement amount. She further states that she has no objection if the aforesaid FIR is quashed.

11. 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.”

12. 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.
13. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.
14. It is, thus, in the interest of justice that the present FIR and all other proceedings emanating therefrom are quashed.
15. Consequently, the petition is allowed and the FIR No. 0766/2017 under Sections 323/354/34 IPC registered at PS Shakarpur, Delhi along with all other consequential 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 24, 2024

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