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

+ **CRL.M.C. 3306/2024**

MANISH GOSWAMI

..... Petitioner

Through: Mr Jitesh Talwani and Mr Sachin
Kaushik, Advocates along with
petitioner in person.

versus

STATE NCT AND ANR

..... Respondents

Through: Mr Hitesh Vali, APP for the State
with SI Vijay, PS Farsh Bazar.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

29.04.2024

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CRL.M.A. 12745/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 3306/2024 & CRL.M.A. 12744/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0465/2019 under Sections 323/341/354/506/509 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 parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.

4. The petitioner is the brother-in-law (*jija*) of the respondent no.2. The



parties have been identified by the counsel by the Investigating Officer SI Vijay, PS Farsh Bazar.

5. The brief facts of the case are that the marriage between the petitioner no.1 and the sister of the respondent no.2 was solemnised on 12.06.2015 according to Hindu Rites and Customs.

6. On account of temperamental issues certain disputes arose and the petitioner started living separately from his wife w.e.f. 22.11.2016. The dispute between the parties also led to the registration of the FIR at the instance of the wife of the petitioner. Further, the present FIR also came to be registered at the instance of the respondent no.2.

7. During the pendency of the proceedings, the petitioner entered into a settlement dated 11.01.2024 with his wife through Counselling Cell, attached to the Family Courts, South-West District, Dwarka, Delhi parties, a copy of which is annexed as Annexure P-3 to the present petition.

8. A separate Memorandum of Understanding dated 04.03.2024 was arrived at between the present petitioner, as well as, the respondent no.2, a copy of which is attached as Annexure P-2 to the present petition.

9. In terms of the aforesaid MoU, it has been agreed between the parties that the respondent no.2 shall cooperate with the petitioner in quashing of the aforesaid FIR.

10. The respondent no.2, who is present in the Court, affirms the factum of settlement and states that she has no objection in case 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. Consequently, the petition is allowed and the FIR No.0465/2019 under Sections 323/341/354/506/509 IPC registered at Police Station Farsh Bazar alongwith all other proceedings emanating therefrom, is quashed.
15. The petition stands disposed of in the above terms.
16. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

APRIL 29, 2024
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