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

+ **CRL.M.C. 3320/2024**

SANJAY KUMAR AND ANR

..... Petitioners

Through: Mr Dalip Anand and Mr Chetanya
Puri, Advocates along with petitioners
in person.

versus

STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr Raj Kumar, APP for the State
with SI Vivek Gutam, PS Okhla
Industrial Area.
Ms Anjali, Advocate for R-2
Mr Rakesh, Manager, Bajaj, Finance,
Netaji Subhash Place, Delhi/AR of
the respondent no.2 thorough vc.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

29.04.2024

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CRL.M.A. 12789/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 3320/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0174/2014 under Sections 420/34 IPC registered at Police Station Okhla Industrial Area 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. However, he insists that since the criminal law has been put into motion and considerable time and effort has gone into the investigation of the matter, some appropriate costs should be imposed on the petitioners.

4. The petitioners are present in the Court whereas, Mr Rakesh, Manager, Bajaj Finance, Netaji Subhash Place has joined through video conferencing. The petitioner, as well as, authorised representative of the respondent no.2, namely, Mr Rakesh, Manager, Bajaj Finance, have been identified by their respective counsel and the Investigating Officer SI Vivek Gautam, PS Okhla Industrial Area.

5. The brief facts of the case are that a complaint was filed by the respondent no.2 against the petitioners alleging cheating in obtaining loans by them from the respondent no.2 in the form of personal loan, vehicle loan etc. The said complaint had culminated into the aforesaid FIR.

6. During the pendency of the present proceedings, the parties have arrived at a settlement in terms whereof the petitioners have settled the outstanding dues of the respondent no.2.

7. Mr Rakesh, Manager of the respondent no.2, who has joined through video conferencing, acknowledges that the entire outstanding dues of the respondent no.2 have been cleared by the petitioners. No objection statement issued by the respondent no.2/Bajaj Finance has also been placed on record, which is annexed as Annexure P-2 to the present petition.

8. The authorised representative of the respondent no.2, on a query put by the Court, states that the respondent no.2 has no objection in case the FIR is quashed.



9. 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.”

10. 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.

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

12. In the present case, the State machinery has been put into motion and considerable time and resources of the investigating agency have been spent in the investigation of the matter, it is deemed appropriate to impose cost of Rs.25,000/- on each petitioner. Accordingly, the petitioners are directed to deposit cost of Rs.25,000/- each with the Delhi State Legal Services Authority and the said amount should be utilized towards counselling / psychological support to be provided to POCSO victims requiring such assistance.

13. Consequently, the petition is allowed and the FIR No.0174/2014 under Sections 420/34 IPC registered at Police Station Okhla Industrial Area alongwith all other proceedings emanating therefrom, is quashed subject to



payment of cost as aforesaid, within a period of two weeks from today.

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

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

VIKAS MAHAJAN, J

APRIL 29, 2024
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