



\$~65

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

+ **CRL.M.C. 3370/2024**

ASIF

..... Petitioner

Through: Ms Pushpa Rana, Advocate along
with petitioner in person.

versus

STATE & ANR.

..... Respondents

Through: Mr Raj Kumar, APP for the State
with ASI Naushad Haider, PS
Bhajanpura.
Mr K. M. Sarita, Advocate for R-2
along with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

30.04.2024

%

CRL.M.A. 12967/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 3370/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0334/2018 under Sections 279/337 IPC registered at Police Station Bhajanpura 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, as well as, the respondent no.2, who are present in the



Court have been identified by their respective counsel and by the Investigating Officer ASI Naushad Haider, PS Bhajanpura.

5. The brief facts of the case are that on 05.07.2018 at 8:30 AM when the complainant along with his wife was going towards Kalkaji on his motorcycle, the petitioner, who was driving an auto, hit the motorcycle of the respondent no.2/complainant, as a consequence of which the respondent No.2 suffered grievous injuries. This led to the registration of the aforesaid FIR.

6. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 12.07.2018, a copy of which is annexed as Annexure-C (Colly) to the present petition.

7. In terms of the aforesaid settlement, it has been agreed between the parties that the petitioner shall pay a compensation to the extent of Rs.17,000/- to the respondent no.2 and the respondent no.2 shall cooperate with the petitioner in quashing of the aforesaid FIR.

8. The respondent no.2, who is present in the Court, affirms the factum of settlement and acknowledges having been received settlement amount of Rs.17,000/-

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

10. 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.”

11. 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.
12. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.
13. Consequently, the petition is allowed and the FIR No.0334/2018 under Sections 279/337 IPC registered at Police Station Bhajanpura alongwith all other proceedings emanating therefrom, is quashed.
14. The petition stands disposed of in the above terms.
15. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

APRIL 30, 2024
MK