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

+ **CRL.M.C. 3408/2024 & CRL.M.A. 13089/2024**

SH YOGENDER

..... Petitioner

Through: Mr. Anuj Kumar Garg and Ms. Parul Verma, Advs. along with petitioner in person.

versus

THE STATE NCT OF DELHI AND ANOTHER Respondents

Through: Mr. Ritesh Kumar Bahri, APP for State with SI Kulbir Singh and SI Gaurav, PS. Hari Nagar.
Mr. Sanjay Kumar Jha, Adv. for complainant/R-2 along with complainant in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

24.05.2024

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1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.225/2018 under Sections 323/341/451/354/354(B)/354(D)/356/379/411/506/509 IPC registered at Police Station Hari Nagar and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Notice was issued in the present petition on 01.05.2024.
3. The learned APP submits that the offence under Sections 354 and 356 IPC is not compoundable whereas all other sections are compoundable. He



further 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, respondent no. 2 are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Kulbir Singh and SI Gaurav, PS. Hari Nagar.

5. The brief facts of the case are that the petitioner and respondent no. 2 are known to each other. The respondent no.2 has completed her MBBS and is now working as Medical Officer in Uttarakhand. Due to some misunderstanding between the petitioner and the respondent no.2, the aforesaid FIR came to be registered.

6. With the intervention of the friends and relatives, the parties have compromised and have sorted out their all differences.

7. The petition is supported by the affidavit of the respondent no.2 wherein it has been stated that the respondent no.2 has compromised all her disputes with the petitioner and has no objection in case the aforesaid FIR is quashed.

8. The respondent no.2, who is present in Court, affirms the aforesaid position.

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. Consequently, the petition is allowed and the FIR No.225/2018 under Sections 323/341/451/354/354(B)/354(D)/356/379/411/506/509 IPC registered at Police Station Hari Nagar alongwith all other proceedings emanating therefrom, is quashed.

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

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

VIKAS MAHAJAN, J

MAY 24, 2024/dss