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

+ **CRL.M.C. 3462/2024**

AZIZ AHMAD ANSARI @ MANJU

..... Petitioner

Through: Mr R. K. Singh, Advocate along with
petitioner in person.

versus

THE STATE & ANR.

..... Respondents

Through: Mr Hitesh Vali, APP for the State
with SI Gaurav Singh, PS Kamla
Market.
Mr V. N. Sharma, Advocate for R-2
along with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

02.05.2024

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CRL.M.A. 13312/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 3462/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0277/2018 under Sections 429/506 IPC and Section 11(1) Prevention of Cruelty to Animals Act registered at Police Station Kamla Market, Delhi 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 are neighbours and they have settled all their disputes, the State has no objection in case the FIR in question is quashed. He further



submits that since the FIR is of the year 2018 and the criminal law has been put into motion in which lot of time and effort has been spent by the investigating agency, the petitioner may be put to some cost.

4. The petitioner, as well as, respondent no. 2/complainant are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Gaurav Singh, PS Kamla Market.

5. The brief facts of the case are that on 22.10.2018, the respondent got information that that the petitioner was slaughtering buffalo and calf. When the respondent reached the spot he found that the shutter of the shop was half open and pieces of buffalo were lying there and two calfs had been tied with the ropes. On seeing the respondent, the petitioner/accused left the premises leaving behind pieces of buffalo. The complaint of the complainant led to the registration of 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 Compromise/Settlement Deed dated 22.04.2024, which is annexed as Annexure P-1 to the present petition.

7. In terms of the said settlement, the parties decided to maintain peace, harmony and cordial relations amongst them in future and not to litigate in future.

8. It is also a term of the settlement between the parties that the respondent no.2 shall cooperate with the petitioner in quashing of the present FIR.

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. 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 and further the judicial time has also been wasted, it is deemed appropriate to impose cost of Rs.10,000/- on the petitioner. Accordingly, the petitioner is directed to deposit cost of Rs.10,000/- 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.

14. Consequently, the petition is allowed and the FIR No.0277/2018 under Sections 429/506 IPC and Section 11(1) Prevention of Cruelty to Animals Act registered at Police Station Kamla Market, Delhi alongwith all other proceedings emanating therefrom, is quashed subject to the petitioner



depositing a cost of Rs.10,000/-as aforesaid, within a period of four weeks from today.

15. The petition stands disposed of in the above terms.
16. Order be uploaded on the website of this court.

MAY 2, 2024
MK

VIKAS MAHAJAN, J