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

+ CRL.M.C. 2018/2021

DR. MANISH DIWAN

.....Petitioner

Through: Mr. Gaurav Bhatia, Sr. Adv. with Mr.
Yuvraj Francis, Advocates

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Naval Kishore Jha, APP for the
State with SI Jyoti and SI Seema, PS
Dwarka South

Mr. Ajayinder Sangwan, Mr. B.N.
Sharma, Mr. Arun Rathi, Mr.
Summinder Paswan, Mr. Pradeep Kr.
Sharma, Mr. Smit Singh Karu, Mr.
Achyut Dwivedi and Mr. V.P. Singh,
Advocates with respondent no. 2 in
person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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13.12.2024

1. The present petition has been filed under Section 482 Cr. P.C. seeking quashing of FIR No. 250/2018 under Sections 354/451/506/509/34 of the IPC registered at Police Station Dwarka South, New Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. The brief facts of the case are that the respondent no. 2 – Ms. Namrata Bhavne entered into a Lease Agreement dated 17.07.2017 with Dr. Prerna Diwan for Commercial Unit No. 206, Second Floor, Krishna Plaza, Plot No. 1, Sector-11, Pocket-4, Dwarka, New Delhi for a period of two years



effective from 16.07.2017. On 18.03.2018, a dispute arose between the parties regarding vacation of premises which led to the registration of the aforesaid FIR.

3. During the pendency of the proceedings, the parties were referred to mediation under the aegis of Delhi High Court Mediation & Conciliation Centre, where the parties had arrived at a settlement, terms whereof were reduced in writing in the form of a Settlement Agreement dated 12.12.2024, a copy of which has been received from the mediation centre and is part of the record.

4. It is a term of the settlement that the co-accused of the present petitioner will withdraw the civil cases filed by her against the present respondent and the respondent no. 2, who will cooperate with the present petition and other co-accused for quashing of the present FIR.

5. The parties are present in Court and they have been identified by their respective counsel and the Investigating Officer(s). The respondent no.2, on a query posed by the Court, states that she has no objection in case the aforesaid FIR is quashed.

6. At this stage, it is apt 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.”

7. 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.
8. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.
9. Consequently, the petition is allowed and the FIR No. 250/2018 under Sections 354/451/506/509/34 of the IPC registered at Police Station Dwarka South, New Delhi alongwith all other proceedings emanating therefrom, is quashed.
10. The petition stands disposed of in the above terms.

DECEMBER 13, 2024
‘rs’

VIKAS MAHAJAN, J