



\$~65

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

+ **CRL.M.C. 3929/2024**

LALIT JAIN & ORS.

..... Petitioners

Through: Mr Anupam Sharma, Advocate along
with petitioners in person.

versus

STATE GOVT OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr Hitesh Vali, APP for the State
with SI Vineet, PS Madhu Vihar.
Mr Rishabh Jain and Mr S. K. Jain,
Advocates for R-2 along with R-2 in
person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

15.05.2024

%

CRL.M.A. 14991/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 3929/2024 & CRL.M.A. 14990/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0310/2011 under Sections 452/341/323/34 IPC registered at Police Station Madhu Vihar, 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 have arrived at a settlement, the State has no objection in case the FIR in question is quashed.



4. The petitioners, 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 Vineet, PS Madhu Vihar.
5. The case of the prosecution in brief is that on 08.09.2011, a quarrel between the respondent no. 2 and the petitioners took place at the residence of respondent no. 2, in which the respondent no. 2 sustained simple injuries. The said quarrel among neighbours culminated into the registration of following two cross FIRs i.e. (i) FIR No. 310/2011 (the FIR in present petition) under Sections 452/341/323/34 IPC and (ii) FIR No. 311/2011 (which stands compounded) under Section 509 IPC.
6. During the pendency of the proceedings, the parties were referred to the Delhi Mediation Centre, Karkardooma Courts, Delhi, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 24.07.2023, a copy of which is annexed as Annexure P-10 to the present petition.
7. It has been recorded in the said settlement that the parties have resolved all their disputes amicably and shall cooperate with each other for the quashing of the cross FIR.
8. Learned counsels for the parties submit that the cross FIR No.311/2011 has already been compounded. Further, the offences under Sections 341/323 IPC in the present FIR also stands compounded before the learned Trial Court as is borne out from the order annexed as Annexure P-11 to the present petition.
9. It is also a term of the settlement that the petitioners shall pay an amount of Rs.6 lakhs to the respondent no.2. Out of the said amount, a sum of Rs.3 lakhs has already been paid and the remaining amount of Rs.3 lakhs



have been paid today in the following manner:

- (i) DD No.667061 dated 14.05.2024 for a sum of Rs.1,20,000/- issued by Punjab National Bank, CGHS, Patparganj, Delhi.
- (ii) DD No.800575 dated 05.04.2024 for a sum of Rs.60,000/- issued by South Indian Bank, Patparganj Branch.
- (iii) DD No.014523 dated 14.05.2024 for a sum of Rs.60,000/- issued by AXIS Bank, Ashoka Niketan Branch, New Delhi.
- (iv) Cheque No.681025 dated 15.05.2024 for a sum of Rs.60,000/- issued by The Nainital Bank Ltd. I. P. Extension Branch, Delhi.

10. Learned counsel for the petitioner, on instructions, submits that the cheque handed over today to the respondent no.2 is good for payment.

11. The receipt of entire amount of Rs.6 lakhs is acknowledged by the respondent no.2, who is present in court.

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

13. 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.”

14. 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.

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

16. Consequently, the petition is allowed and the FIR No.0310/2011 under Sections 452/341/323/34 IPC registered at Police Station Madhu Vihar, Delhi alongwith all other proceedings emanating therefrom, is quashed subject to realisation of the cheque of Rs.60,000/- as mentioned in para 9 (iv) above.

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

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

VIKAS MAHAJAN, J

MAY 15, 2024
MK