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

+ **W.P.(CRL) 1545/2024**

AMAAN KHAN

..... Petitioner

Through: Mr Ashutosh Rana, Advocate along
with petitioner in person.

versus

STATE (GNCTD) & ANR.

..... Respondents

Through: Ms Nandita Rao, ASC for the State
with Mr Amit Peswani, Advocate
with Insp. Gajender Singh and SI
Rajender, PS Kotla Mubarakpur.
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

16.05.2024

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CRL.M.A. 15051/2024

1. Allowed, subject to all just exceptions.

W.P.(CRL) 1545/2024

2. The present petition has been filed under Article 226 of the Constitution of India read with Section 482 CrPC seeking quashing of FIR No.0417/2021 under Sections 392/411/34 IPC registered at Police Station Kotla Mubarakpur, 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 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 Insp. Gajender Singh and SI Rajender, PS Kotla Mubarakpur.
5. The case of the prosecution in brief is that the FIR was registered on at the instance of the respondent no.2 alleging that on 09.10.2021 at about 11:05 PM while he was going home, three boys came and obstructed him near Defence Colony Flyover. Further allegation is that they snatched an amount of Rs.3,500/- from his left pocket, as well as, a 4 gms. gold ring and ran away after beating him.
6. Learned counsel for the petitioner submits that in the present FIR three boys have been arraigned as an accused. However, the present petition has been filed only by the present petitioner, therefore, the relief, if any, may be granted *qua* the present petitioner.
7. 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 15.04.2024, a copy of which is annexed as Annexure P-2 (Colly.) to the present petition.
8. 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.
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.0417/2021 under Sections 392/411/34 IPC registered at Police Station Kotla Mubarakpur, Delhi alongwith all other proceedings emanating therefrom qua the present petitioner, 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

MAY 16, 2024
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