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

+ **CRL.M.C. 3995/2024**

PRASANJEET SARKAR & ORS.

..... Petitioners

Through: Mr. Naginder Benipal, Mr. Pawan
Gupta, Mr. Ankit Siwach and Mr.
Anupam Billa, Advs.

versus

STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Hitesh Vali, APP for State with
SI Manish Tyagi, PS. Govindpuri.
Mr. Rohit Prajapati, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

22.05.2024

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1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.190/2024 under Sections 308/341/506/34 IPC registered at Police Station Govindpuri 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 17.05.2024 with a direction to file its Status Report. The Status Report has been handed over in the Court, the same is taken on record.
3. A perusal of the said Status Report shows that the injury suffered by the respondent no.2 is simple in nature.
4. The learned APP submits that since the FIR is an outcome of a quarrel and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.



5. The petitioner no.1, 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 Manish Tyagi, PS. Govindpuri whereas the petitioner nos. 2 and 3 are stated to be in judicial custody in connection with the present FIR.

6. The brief facts of the case are that on 25.03.2024, accused persons / petitioners were applying colours to the people on the pretext of playing Holi. Respondent no. 2 tried to dissuade the petitioners on which he was abused by them and also given beatings due to which the respondent no.2. This led to the registration of present FIR.

7. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of Memo of Understanding/Settlement dated 06.05.2024, which is annexed as Annexure B to the present petition.

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

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.190/2024 under Sections 308/341/506/34 IPC registered at Police Station Govindpuri alongwith all other proceedings emanating therefrom, is quashed.

13. Since the FIR has been quashed, the Jail Superintendent is directed to release the petitioner nos.2 and 3, if they are not required in any other case.

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

15. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.

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

VIKAS MAHAJAN, J

MAY 22, 2024/dss