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

+ **W.P.(CRL) 1568/2024**

PUSHPENDER SHARMA & ORS.

..... Petitioners

Through: Mr. Prakhyat Sharma, Adv. with
petitioners in person.

versus

STATE & ORS.

..... Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC for
State with Mr. Abhijeet Kumar and
Mr. Sagar Mehlawat, Adv. with Insp.
Vikas Malik P.S. M.S. Park and ASI
Vikram Singh P.S. Karawal Nagar
Ms. Prachi Sharma, Adv. for R2 with
respondent in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

17.05.2024

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CRL.M.A. 15258/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present petition has been filed under Article 226 of the Constitution of India read with Section 482 CrPC seeking quashing of FIR No.33/2016 under Sections 323/452/506/34 IPC registered at Police Station Karawal Nagar, Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.



4. Issue notice. The learned ASC for the State accepts notice. She submits that since the present FIR is an offshoot of a matrimonial discord between the parties and they have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
5. The petitioners, as well as, respondent nos. 2 and 3 are present in the Court and they have been identified by their respective counsel and by the Investigating Officer Insp. Vikas Malik P.S. M.S. Park and ASI Vikram Singh P.S. Karawal Nagar.
6. The brief facts of the case are that the son of respondent no. 2 (complainant) namely, Atul Sharma was married to the daughter of petitioner no. 1 namely Swati Sharma on 08.05.2014. There is no child born out of the said wedlock.
7. On account of temperamental issues certain disputes arose between the parties and they started living separately w.e.f. 21.10.2014. The dispute between the parties also led to the registration of another FIR at the instance of the Swati Sharma under Sections 498A/406/513/34 IPC bearing FIR No. 403/2015.
8. The present FIR came to be registered at the instance of the father-in-law of said Swati Sharma against her family members.
9. During the pendency of the proceedings, the parties were referred to Delhi Mediation Centre, Karkardooma Courts, Delhi where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 31.08.2019, which is annexed as Annexure P3 to the present petition.
10. In terms of the said settlement, the son of respondent no. 2 and the daughter of petitioner no. 1 decided to dissolve their marriage by filing a petition for divorce by way of mutual consent. Accordingly, they have



obtained a decree of divorce dated 04.10.2019, which is annexed as Annexure P-4 to the present petition.

11. It is also a term of the settlement that both sides will cooperate with each other for quashing of above mentioned cross FIR.

12. The respondent no. 2 (injured) is present in Court and she states that she 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.33/2016 under Sections 323/452/506/34 IPC registered at Police Station Karawal Nagar, Delhi along with all other consequential proceedings emanating therefrom, is quashed.

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



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

VIKAS MAHAJAN, J

MAY 17, 2024
N.S. ASWAL