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

+ **CRL.M.C. 4051/2024**

DR RAJINDER ABBOT & ORS.

..... Petitioners

Through: Ms Ashima Mandla and Ms
Mandakini Singh, Advocates along
with petitioners in person.

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr Hitesh Vali, APP for the State
with SI Ravi Shankar, PS Patel
Nagar.
Mr Surya Pratap Singh, Advocate for
R-2 along with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

20.05.2024

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CRL.M.A. 15431/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 4051/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0008/2009 under Sections 448/34 IPC registered at Police Station Patel Nagar 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 the learned counsel for the petitioners and by the Investigating Officer SI Ravi Shankar, PS Patel Nagar.

5. The brief facts of the case are that the respondent no.2 lodged a complaint against petitioners alleging that the petitioners have trespassed into the portion of the respondent no.2 by breaking the lock and took away Rs.6,000/- cash while also ransacking the place. Thereafter, they put their own lock on the said portion to take possession. This led to the registration of aforesaid FIR.

6. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Understanding dated 18.04.2024, a copy of which is annexed as Annexure-P/2 to the present petition.

7. It is recorded in the settlement that the parties have amicably resolved all their pending disputes. It is also a term of the settlement that the respondent no.2 shall cooperate with the petitioners for quashing of the aforesaid FIR.

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.0008/2009 under Sections 448/34 IPC registered at Police Station Patel Nagar alongwith all other proceedings emanating therefrom, is quashed.
13. The petition stands disposed of in the above terms.
14. Order be uploaded on the website of this court.

MAY 20, 2024
MK

VIKAS MAHAJAN, J