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

+ **CRL.M.C. 4090/2024 & CRL.M.A. 15560/2024**

MR ABDUL FATHAH M S AND ORS

..... Petitioners

Through: Mr. Muhammad Ali Khan, Mr. Omar Hoda, Ms. Eesha Bakshi, Mr. Uday Bhatia, Mr. Kamran Khan and Mr. Arjun Sharma, Advs.

versus

STATE NCT OF DELHI AND ORS

..... Respondents

Through: Mr. Raj Kumar, APP for State with SI Sangeeta Malik, PS. Model Town and SI Meena, PS. Maurya Enclave.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

20.05.2024

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CRL.M.A. 15561/2024 (exemption)

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

CRL.M.C. 4090/2024

3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.315/2023 under Sections 323/354/354A/34 IPC registered at Police Station Model Town and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. 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.

5. The petitioner nos. 1 and 4, as well as, the respondent no. 3 (complainant) have joined through VC whereas the petitioner nos. 2, 3 and 5 are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Sangeeta Malik, PS. Model Town and SI Meena, PS. Maurya Enclave.

6. The case of the prosecution in brief is that after the declaration of results of the elections for the students' fraternity called Maithry Delhi University, which is a youth organization for the students belonging to the State of Kerala, some disputes arose between the parties, who were supporting opposing camps which resulted into 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 Compromise Deed dated 23.03.2024, which is annexed as Annexure P-5 to the present petition.

8. It is recorded in the settlement that the parties have amicably resolved all their disputes and they shall cooperate with each other for the quashing of aforesaid FIR.

9. The respondent no.3, who has joined through VC, on a query put by the Court, states that she 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.315/2023 under Sections 323/354/354A/34 IPC registered at Police Station Model Town alongwith all other proceedings emanating therefrom, 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 20, 2024/dss