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

+ **CRL.M.C. 4096/2024**

RAKESH KUMAR & ORS.

..... Petitioner

Through: Appearance not given.

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Ritesh Kumar Bahri, APP for
State with SI Sukram Pal, PS. New
Usmanpur and ASI Vikram Singh,
PS. Karawal Nagar.
Mr. Devender and Mr. Brij Raj, Advs.
for R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

20.05.2024

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CRL.M.A. 15591/2024 (exemption)

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

CRL.M.C. 4096/2024

3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.312/2023 under Sections 308/34 IPC registered at Police Station Karawal Nagar 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 FIR is an outcome of a scuffle and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.



He further submits that the nature of injury is simple in nature and the charges are yet to be framed.

5. The petitioner nos.1 to 5, as well as, respondent nos. 2(complainant) and the respondent nos. 3 and 4 (injured) are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Sukram Pal, PS. New Usmanpur and ASI Vikram Singh, PS. Karawal Nagar.

6. The brief facts of the case are that on 03.08.2023, a quarrel ensued between the respondent no.2 to 4 on one side and the petitioners on the other, based on some misunderstanding and minor issues. Several unknown individuals also gathered during the altercation, resulting in injuries to both parties. During the commotion, the respondent nos. 3 and 4 sustained minor injuries on their heads from unknown persons amidst the crowd. The son of the petitioner no.3 also suffered injuries. This led to the registration of aforesaid FIR.

7. During the pendency of the proceedings, the parties arrived at a settlement following the sincere efforts made by mutual friends of both parties, and the parties amicably settled the dispute considering their longstanding neighbourly relationship.

8. The no objection affidavit of the respondent no.2 is annexed as Annexure P-3 to the present petition.

9. The respondent nos.2 to 4, on a query put by the Court, states that they have 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.312/2023 under Sections 308/34 IPC registered at Police Station Karawal Nagar 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