



\$~19

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4151/2024 & CRL.M.A. 15747/2024**
YATHARTH TOMAR @ SONU TOMARPetitioner
Through:
versus
THE STATE NCT OF DELHI AND ANRRespondent
Through: Ms. Priyanka Dalal, APP
Mr. Sanjeev Sabharwal, APP
ASI Davender, PS Aman Vihar

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH
ORDER
% **29.11.2024**

1. This is a petition seeking quashing of the F.I.R. No. 48/2021 dated 24.01.2021 under Sections 307/34 IPC registered at Police Station Aman Vihar and consequential proceedings emanating therefrom.
2. As per the F.I.R., the petitioner had an altercation with respondent No. 2 and there are allegations of stabbing in the back.
3. During the pendency of the proceedings, the parties have arrived at a settlement wherein the respondent No. 2 has given an affidavit stating that he does not wish to prosecute the present F.I.R and he has no objection if the same is quashed.
4. The petitioners and Respondent No. 2 are present in Court and both are identified by IO ASI Devender, Police Station Aman Vihar.
5. Both the parties state that they have entered into the settlement out of their own will, volition and without any threat, force or coercion.
6. Even though the offence is under 307 of IPC, a coordinate bench of this Court in *Crl. M.C. 111/2016* titled as "*Dina Nath Prasad & Ors. vs.*



The State & Anr.” quashed the FIR in similar circumstances while relying on “***Gian Singh Vs. State of Punjab and Another***” (2012) 2 SCC (L&S) 998 and “***Narinder Singh & Ors. Vs. State of Punjab & Anr***” 2014 6 SCC 466. The relevant paras of ***Dina Nath Prasad*** (*supra*) reads as under:

“7. Both the parties who are present in the Court today, approbate the aforesaid settlement dated 21.12.2015 and undertake to remain bound by the same.

8. As discussed above, offence punishable under Section 307 of the IPC and Section 27 Arms Act are not compoundable being of serious nature, however, if the Court feels that continuation of criminal proceedings will be an exercise in futility and justice in this case demands that the dispute between the parties is put to an end and peace is restored, it can order for quashing of the FIR or criminal proceedings as it is the duty of the Court to prevent continuation of unnecessary judicial process.

9. In view of the law discussed above, considering the settlement arrived at between the parties and the statements of respondent Nos.1 & 2, I am of the considered opinion that this matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question would be an exercise in futility.”

7. In this view since the parties have arrived at a settlement and no disputes are pending, it is felt that no useful purpose would be served in prosecuting the F.I.R. No. 48/2021 dated 24.01.2021 under Sections 307/34 IPC registered at Police Station Aman Vihar. It is a fit case for quashing.

8. However, I am of the view that considerable time of the police and judicial time has been wasted. The police machinery has been put in motion on account of the acts of commission & omission on behalf of the parties and useful time of the police which could have been utilised for important matters has been misdirected towards this case. Hence, the petitioners must pay some costs.



9. For the said reasons, subject to the petitioner paying Rs. 10,000/- to the respondent No. 2 within 4 weeks from today, the F.I.R. No. 48/2021 dated 24.01.2021 under Sections 307/34 IPC registered at Police Station Aman Vihar and consequential proceedings emanating therefrom are hereby quashed.

10. The proof of payment of cost shall be filed in the Registry within 4 weeks and in case the same is not furnished, this file be put up before the Court.

11. The petition is disposed of accordingly

JASMEET SINGH, J

NOVEMBER 29, 2024/sp

Click here to check corrigendum, if any