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

+ **CRL.M.C. 4230/2024**

AKASH SHARMA AND ORS

..... Petitioners

Through: Mr. Sanjay Singh, Ms. Sadhana Singh, Ms. Nafees and Mr. A.P.S. Chauhan, Advs. with petitioners in person.

versus

STATE NCT OF DELHI AND ANR

..... Respondents

Through: Mr. Raj Kumar, APP for State with SI Esthu Dazii Duo PS Fatehpur Beri and Insp. Inderjeet DIU / SE
Mr. V.V. Chauhan, Ms. Geetika Dhawan and Mr. Narender Kumar, Advs. for R2 with respondent no. 2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

22.05.2024

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CRL.M.A. 16038/2024 (exemption)

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

CRL.M.C. 4230/2024 & CRL.M.A. 16037/2024

3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.250/2020 under Sections 308/323/325/341/195A/34



IPC registered at Police Station Fatehpur Beri 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. He further submits that some cost may be imposed on the parties as considerable time and effort has been spent on the investigation and judicial time has also been wasted.

5. He points out that the present FIR has arisen out of a long standing dispute between the parties, giving rise to a total of 05 FIRs, out of which 02 FIRs bearing FIR No. 196/2017 and FIR No. 197/2017 registered at PS Fatehpur Beri, New Delhi have already been quashed.

6. The petitioners, as well as, respondent no. 2 (complainant) are present in the Court and they have been identified by their respective counsels.

7. The brief facts of the case are that on 05.07.2020 an incident took place in which both the sides sustained injuries, which led to the registration of two cross – FIRs bearing FIR No. 250/2020 and 251/2020.

8. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of deed of settlement / compromise dated 23.11.2023, which is annexed as Annexure C to the present petition.

9. It is recorded in the said settlement that the parties have amicably resolved all their disputes.

10. It is also a term of the settlement that the respondent no. 2 shall cooperate with the petitioners for quashing of the foresaid FIR.

11. The respondent no.2, on a query put by the Court, states that he has no



objection in case the FIR is quashed.

12. 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.”

13. 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.

14. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

15. In the present case, since the State machinery has been put into motion and considerable time and resources of the investigating agency have been spent in the investigation of the matter, it is deemed appropriate to impose cost of Rs.5,000/- each on the petitioners. Accordingly, the petitioners are directed to deposit cost of Rs.5,000/- each with the Delhi State Legal Services Authority and the said amount should be utilized towards counselling / psychological support to be provided to POCSO victims requiring such assistance.

16. Consequently, the petition is allowed and the FIR No.250/2020 under Sections 308/323/325/341/195A/34 IPC registered at Police Station



Fatehpur Beri along with all other consequential proceedings emanating therefrom, is quashed, subject to payment of cost as aforesaid, within a period of two weeks from today.

17. The petition stands disposed of in the above terms.
18. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

MAY 22, 2024
N.S. ASWAL