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

+ **W.P.(CRL) 1667/2024**

NAWAL @NAVAL & ORS.

..... Petitioners

Through: Mr. L.K.Verma, Mr. Mohit Verma,
Mr. Vikas Goyal, Mr. Hritik Verma,
Advs.

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Sanjay Lao, SC for State with
ASI Dharambir Singh PS Maidan
Garhi
Mr. Zahid Ali and Mr. M. Shakeel
Khan, Advs. for R2
Respondent nos. 2 and 3 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

28.05.2024

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1. The present petition has been filed under Article 226/227 of Constitution of India read with Section 482 CrPC seeking quashing of FIR No.145/2024 under Sections 308/323/34 IPC registered at Police Station Maidan Garhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. 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.
3. The petitioners, as well as, respondent no. 2 and 3 are present in the



Court and they have been identified by their respective counsel and by the Investigating Officer ASI Dharambir Singh PS Maidan Garhi.

4. The brief facts of the case are that the FIR was registered on a statement made by the respondent no. 2 wherein he alleged that when he was going inside his house after parking his vehicle outside the house, he heard screaming voices and when he reached the location he saw that the son of his uncle namely Nishant (respondent no. 3) was being beaten by the petitioners. Later on when the respondent no. 2 tried to save the respondent no. 3, all the petitioners gave beatings to the respondent no. 2 / complainant as well, as a result of which the respondent no. 2 and the respondent no. 3 sustained injuries. This led to the registration of the following cross FIRs.

(i) FIR No. 144/2024 registered at the instance of petitioner no.1

(ii) FIR No. 145/2024 registered at the instance of respondent no.2 (the present FIR)

5. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of Settlement deed dated 07.05.2024, which is annexed as Annexure P3 to the present petition.

6. The respondent no.2, on a query put by the Court, states that he has no objection in case the FIR is quashed.

7. 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.”

8. 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.
9. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.
10. Consequently, the petition is allowed and the FIR No.145/2024 under Sections 308/323/34 IPC registered at Police Station Maidan Garhi along with all other consequential proceedings emanating therefrom, is quashed.
11. The petition stands disposed of in the above terms.
12. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

MAY 28, 2024
N.S. ASWAL