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

+ CRL.M.C. 416/2017

VINAY YADAV & ANR

..... Petitioners

Through: Mr R. H. A. Sikander, Ms Mahima Rath and Mr Jatin Bhatt, Advocates along with petitioners in person.

versus

STATE & ORS

..... Respondents

Through: Mr Raj Kumar, APP for the State with SI Shajid Hussain, PS Malviya Nagar.
Mr Siddharth Aggarwal, Sr. Advocate with Mr Nikhil Pillai, Mr Kshitij Vaibhav, Mr Athak Walia and Mr Harsh Yadav, Advocates for R-2 to R-4.

+ CRL.M.C. 608/2017

VINAY YADAV & ANR

..... Petitioners

Through: Mr R. H. A. Sikander, Ms Mahima Rath and Mr Jatin Bhatt, Advocates along with petitioners in person.

versus

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Through: Mr Raj Kumar, APP for the State with SI Shajid Hussain, PS Malviya Nagar.
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CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

23.04.2024

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CRL.M.A. 11754/2024 in CRL.M.C. 416/2017
CRL.M.A. 11795/2024 in CRL.M.C. 608/2017

1. The present joint applications have been filed by the parties to dispose of the petitions on the ground that the parties have arrived at a settlement and seeking quashing of the summoning orders passed by the learned Trial Court in the respective cases.
2. The petition bearing CRL.M.C. 416/2017 has been filed seeking quashing/setting aside of the impugned order dated 29.05.2014 passed by the learned Additional Sessions Judge (South) in CR No.23/2014, whereby the order of the learned Metropolitan Magistrate dated 07.02.2014 dismissing the application under Section 156(3) CrPC filed by the respondent was set aside and the matter was remanded to the learned Metropolitan Magistrate to issue fresh directions on the application of the respondent under Section 156(3) Cr.P.C.
3. On remand, the application of the respondent under Section 156(3) CrPC was allowed by the learned Metropolitan Magistrate and a direction was given to register the FIR. Accordingly, FIR No.2033/2015 under Sections 323/341/467/468/471/506/509/120B/34 IPC at Police Station Malviya Nagar was registered.
4. Whereas, the petition bearing CRL.M.C. 608/2017 has been filed seeking quashing of the FIR No.2033/2015 under Sections 323/341/467/468/471/506/509/120B/34 IPC registered at Police Station Malviya Nagar, the chargesheet filed in respect thereof, as well as, the order of summoning passed in the said case.
5. During the pendency of aforesaid petitions, the parties were referred to the Delhi High Court Mediation and Conciliation Centre, Delhi High



Court, Sher Shah Road, New Delhi by this Court *vide* order dated 08.08.2023 passed in CRL.M.C. 416/2017 and CRL.M.C. 608/2017.

6. Before the learned Mediator, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Settlement Agreement dated 03.04.2024, a copy of which is annexed as Annexure A-1 to the respective CRL.M.A.'s in the aforementioned cases.

7. As per the said settlement, though the parties have not been able to resolve all their disputes and differences but have broadly entered into settlement whereunder they have agreed to partially withdraw certain litigations against each other as mentioned in paragraph 2 of the said settlement and to seek quashing of FIR.

8. Accordingly, the application being CRL.M.A. 11795/2024 has been filed praying for quashing of the FIR No.2033/2015 and all proceedings emanating therefrom.

9. The parties are present in the Court and they have been identified by their respective counsels, as well as, by the Investigating Officer SI Shajid Hussain, PS Malviya Nagar.

10. The parties, who are present in the Court affirm the factum of the settlement having been arrived at between them. The parties also undertake to abide all the terms and conditions recorded in the settlement agreement. The undertaking is taken on record.

11. The respondent nos. 2 to 4 in the petitions, who are the complainants in FIR No.2033/2015, on a query put by the Court, state that they have no objection in case the aforesaid 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. Consequently, the petition is allowed and the FIR No.2033/2015 under Sections 323/341/467/468/471/506/509/120B/34 IPC registered at Police Station Malviya Nagar alongwith all other proceedings emanating therefrom, is quashed. Resultantly, CC No.463123/2016 titled as ‘Ram Prakash vs. Vinay Yadav & Ors. also stands quashed.

16. The petition stands disposed of in the above terms.

17. Order be uploaded on the website of this court.

18. The date already fixed as 30.07.2024 stands cancelled.

VIKAS MAHAJAN, J

APRIL 23, 2024/MK