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

+ **CRL.M.C. 2707/2021**

AMIT KUMAR BURMAN @ YOGESH KUMARPetitioner

Through: Mr. Mohit Kumar, Mr. Ravinder
Kumar and Ms. Aarti Aggarwal,
Advs. along with petitioner.

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Utkarsh, APP for State with Insp.
Suneel Siddhu (through VC) and SI
Sudeep, PS Parliament Street, New
Delhi.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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13.12.2024

1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.120/2017 under Section 419/420/468/471 IPC registered at PS Parliament Street, Delhi and all consequential proceedings emanating therefrom, on the ground that the parties have arrived at a settlement. Notice was issued in the present petition on 29.10.2021.
2. Mr. Utkarsh, the learned APP appearing on behalf of the State submits that since the parties have arrived at a settlement, the State has no objection in case the aforesaid FIR is quashed.
3. The petitioner is present in Court whereas the complainant/respondent no.2 has joined through VC. The IO, i.e., Insp. Suneel Siddhu, who has joined through VC, has identified the petitioner as well as the respondent no.2.



4. The brief facts of the case are that the complainant/respondent no.2 had advanced an amount of Rs.6,00,000/- to the petitioner/accused which he failed to return. Thus, a complaint was made by the respondent no.2 which culminated into the aforesaid FIR.

5. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Deed of Settlement/Memorandum of Understanding dated 14.08.2021, copy of which is annexed as Annexure P-2 to the present petition.

6. It is stated in the aforesaid Deed of Settlement that the parties have unconditionally settled the matter with each other and the petitioner has paid a sum of Rs.6,00,000/- to the respondent no.2 as full and final settlement amount.

7. The respondent no.2, who has joined through VC, on a query posed by the Court, admits the factum of settlement and acknowledges having received full and final settlement amount of Rs.6,00,000/- from the petitioner. He states that he has no objection in case the aforesaid FIR is quashed.

8. 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.”



9. 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.
10. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.
11. Consequently, the petition is allowed and FIR No.120/2017 under Section 419/420/468/471 IPC registered at PS Parliament Street, Delhi along with all other consequential proceedings emanating therefrom, is quashed.
12. The petition stands disposed of in the above terms.
13. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

DECEMBER 13, 2024

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