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

+ **CRL.M.C. 4749/2024**

LAXMAN PRASAD AND ANR

..... Petitioners

Through: Ms. Neha Sharma and Ms. Karnika
Bahuguna, Advs. with petitioners in
person.

versus

STATE OF DELHI AND ORS

..... Respondents

Through: Mr. Hitesh Vali, APP for State with
SI Kavish Rana PS Laxmi Nagar,
Delhi
Mr. Kailash Kumar and Mr. Chandra
Prabha, Advs. for Respondents
Respondents in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

31.05.2024

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CRL.M.A. 17743/2024 (exemption)

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

CRL.M.C. 4749/2024

3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.1169/2015 under Sections 323/354/451/506/34 IPC registered at Police Station Shakurpur 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.
5. The petitioners, as well as, respondent nos. 2 – 10 are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Kavish Rana PS Laxmi Nagar, Delhi.
6. The brief facts of the case are that on 30.05.2015 in the morning around 08:20 am the petitioner no. 1 was going to Kosi with his family. While passing the crossing lane, the respondent no. 2 who is a tenant was washing his white coloured scooty parked in the middle of the road. An altercation took place which escalated to a fight wherein the respondent no. 2 suffered injuries, this led to the registration of the present FIR at the instance of respondent no.2.
7. During the pendency of the proceedings, the parties were referred to Delhi Mediation Centre, Karkardooma Courts, Delhi where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 22.09.2022, which is annexed as Annexure P2 to the present petition.
8. It is a term of the settlement between the parties that they shall cooperate with each other for quashing of the FIR.
9. The respondent no.2, on a query put by the Court, states that he has no objection in case the FIR is quashed.
10. 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.”

11. 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.

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

13. Consequently, the petition is allowed and the FIR No.1169/2015 under Sections 323/354/451/506/34 IPC registered at Police Station Shakurpur along with all other consequential proceedings emanating therefrom, is quashed.

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

15. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

MAY 31, 2024

N.S. ASWAL