



\$~60

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5942/2024**
FAIMUDDEN@ FAEEM AND ANR.

.....Petitioner

Through: Mr. Rashid Hashmi, Ms. Glory Rana,
Advs.

versus

STATE NCT OF DELHI AND ORS

.....Respondent

Through: Mr. Aashneet Singh, APP
Mr. Virendra Kuma, Adv.
SI S. Singh, PS Wazirabad

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
21.11.2024

%

1. This is a petition filed under Section 482 of BNSS, 2023 seeking quashing of the FIR No.720/2022 dated 01.09.2022 registered at PS Wazirabad under Section 307/323/34 of IPC.
2. As per the FIR, there was an altercation on account of an accident between the motorcycle of the petitioners and the complainant. It is stated that thereafter the petitioners beat up the complainant and there is also allegation of hitting the complainant with a knife.
3. During the pendency of the proceedings, the parties have arrived at a settlement, wherein the complainant and the petitioners have settled their disputes *vide* settlement deed dated 28.06.2024.
4. The petitioners are present in Court and have been identified by Mr.



Rashid Hashmi, learned counsel.

5. The complainant is also present in Court and has been identified by Mr. Virendra Kuma, learned counsel and SI S. Singh, PS Wazirabad.
6. Even though the offence is under 307 of IPC, a coordinate bench of this Court in *Crl. M.C. 111/2016* titled as “*Dina Nath Prasad & Ors. vs. The State & Anr.*” quashed the FIR in similar circumstances while relying on “*Gian Singh Vs. State of Punjab and Another*” (2012) 2 SCC (L&S) 998 and “*Narinder Singh & Ors. Vs. State of Punjab & Anr*” 2014 6 SCC 466. The relevant paras of *Dina Nath Prasad* (*supra*) reads as under:

“7. Both the parties who are present in the Court today, approbate the aforesaid settlement dated 21.12.2015 and undertake to remain bound by the same.

8. As discussed above, offence punishable under Section 307 of the IPC and Section 27 Arms Act are not compoundable being of serious nature, however, if the Court feels that continuation of criminal proceedings will be an exercise in futility and justice in this case demands that the dispute between the parties is put to an end and peace is restored, it can order for quashing of the FIR or criminal proceedings as it is the duty of the Court to prevent continuation of unnecessary judicial process.

9. In view of the law discussed above, considering the settlement arrived at between the parties and the statements of respondent Nos.1 & 2, I am of the considered opinion that this matter deserves to be given a quietus as continuance of proceedings arising out of the FIR in question would be an exercise in futility.”

7. In view of the above facts and circumstances and since the parties have arrived at a settlement and no disputes are pending, it is felt that no useful purpose would be served in prosecuting FIR No.720/2022 dated 01.09.2022 registered at PS Wazirabad under Section 307/323/34 of



IPC.

8. The Court does not see any fruitful purpose if criminal proceedings are continued to be prosecuted any further and continuation of criminal proceedings will be an exercise in futility.
9. In this view of the matter, there is no reason to continue the proceedings.
10. The petition is allowed and FIR No.720/2022 dated 01.09.2022 registered at PS Wazirabad under Section 307/323/34 of IPC and all consequential proceedings emanating therefrom are hereby quashed.
11. The petitioners undertake to pay costs of Rs. 10,000/- each to the DSLSA within 4 weeks from today.
12. The proof of payment be filed with the Registry within 4 weeks, failing which the file shall be put up before the Court.

JASMEET SINGH, J

NOVEMBER 21, 2024 / (MS)

Click here to check corrigendum, if any