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

+ **CRL.M.C. 347/2024**

SH ADITYA DAHIYA

..... Petitioner

Through: Mr Mohit Saroha and Ms Rekha Saroha, Advocates along with petitioner in person.

versus

THE STATE NCT OF DELHI & ANR.

..... Respondents

Through: Mr Hemant Mehla, APP for the State with W/SI Sonia, Police Station Bharat Nagar and ASI Pawan Kumar, Police Station North Rohini.
Mr Kundan Kumar, Advocate for R-2 along with R-2 in person (VC).

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

16.01.2024

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CRL.M.A. 1375/2024

1. Allowed, subject to all just exceptions.

CRL.M.C. 347/2024

2. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0380/2019 under Sections 354/354(D) IPC registered at Police Station Bharat Nagar and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

3. Issue notice. The learned APP for the State accepts notice. He submits that since the the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.



4. The petitioner is present in the Court whereas respondent no. 2 appears through video conferencing. The parties have been identified by their respective counsel and by the Investigating Officer W/SI Sonia, Police Station Bharat Nagar and ASI Pawan Kumar, Police Station North Rohini.
5. The aforesaid FIR came to be registered on the basis of written statement made by the respondent no.2 alleging that the petitioner/accused harassed her on multiple times. Her statement was also recorded under Section 164 Cr.P.C.
6. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 05.01.2024 which is annexed at page no.56 of the paper book.
7. It is recorded in the settlement that the parties out of their own free will have resolved all their disputes.
8. It is also a term of the settlement that the respondent no.2 shall cooperate with the petitioner in quashing of the aforesaid FIR.
9. The respondent no.2, on a query put by the Court, states that she 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 be an exercise in futility.
12. In view of the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings, rather the same would create further acrimony between them.
13. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.
14. Consequently, the petition is allowed and the FIR No.0380/2019 under Sections 354/354(D) IPC registered at Police Station Bharat Nagar alongwith all other proceedings emanating therefrom, is quashed.
15. The petition stands disposed of in the above terms.
16. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

JANUARY 16, 2024
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