



\$~57

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

+ CRL.M.C. 529/2024, CrI.M.A.2096/2024 & CrI.M.A.2097/2024

SAIF ALI AND ORS

..... Petitioners

Through: Mr Rahil Mabood, Advocate along
with petitioners in person.

versus

STATE THROUGH SHO PS MAIDAN GARHI
AND ANR.

..... Respondents

Through: Mr Raj Kumar, APP for the State
with SI Mohit Kumar, Police Station
Maidan Garhi.

Mr Shahid Ali and Mr Sameer
Tayyeb, Advocates for R-2 along
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

23.01.2024

%

1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0235/2023 under Sections 308/323/341/34 IPC registered at Police Station Maidan Garhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. 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.
3. The petitioners, as well as, respondent no. 2 are present in the Court and they have been identified by their respective counsel and by the



Investigating Officer SI Mohit Kumar, Police Station Maidan Garhi.

4. The brief facts of the case are that a quarrel took place between the petitioners and the respondent no.2, which escalated to a level of fight. This led to the registration of the present FIR at the instance of respondent no.2.

5. The incident also led to the registration of cross FIR, i.e., FIR No.0236/2021 under Sections 308/323/341/34 IPC at Police Station Maidan Garhi, which has been quashed today vide order passed in CRL.M.C. 458/2024 titled as ‘Sajid And Ors. vs. State through SHO Maidan Garhi & Anr.’

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 Deed dated 19.12.2023, which is annexed as Annexure P-3 to the present petition.

7. It has been recorded in the settlement that the parties have resolved all their disputes amicably.

8. It is also a term of the settlement that the respondent no.2 shall cooperate with the petitioners 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.0235/2023 under Sections 308/323/341/34 IPC registered at Police Station Maidan Garhi 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 23, 2024
MK