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

+ **CRL.M.C. 1147/2024**

KAMAL SAINI & ANR.

..... Petitioners

Through: Mr. Ashok Kumar and Mr. Prince
Gupta, Advs. along with petitioners in
person.

versus

STATE NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Raj Kumar, APP for State with SI
Deepa, PS. Seelampur.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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21.02.2024

1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.57/2010 under Sections 452/354/506/323/34 IPC registered at Police Station Seelampur 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 petitioner nos.1 and 2, as well as, respondent no. 2/victim are present in the Court and they have been identified by the petitioners' counsel and by the Investigating Officer SI Deepa, PS. Seelampur.
4. The brief facts of the case are that on 07.03.2010, some dispute arose between the parties as the petitioners in a drunken state, misbehaved with the victim, which led to the registration of present FIR.
5. 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 03.08.2018, which is annexed as Annexure C to the present petition.

6. The respondent no.2, on a query put by the Court, states that she has no objection in case the FIR is quashed.

7. 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.”

8. 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.

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

10. Consequently, the petition is allowed and the FIR No.57/2010 under Sections 452/354/506/323/34 IPC registered at Police Station Seelampur alongwith all other proceedings emanating therefrom, is quashed.

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

12. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

FEBRUARY 21, 2024/dss