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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1921/2024**
HAWALDAR SINGH AND ORS Petitioners

Through: Mr R. S. Bind, Advocate along with
petitioners in person.

versus

STATE GOVT. OF NCT OF DELHI AND ANR. Respondents

Through: Mr Raghvinder Varma, APP for the
State with SI Kishan Chand, PS
Bindapur.
Respondent no.2 in person.

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
07.03.2024

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CRL.M.A. 7352/2024

1. This is an application seeking condonation of delay of 65 days in re-filing the present petition.
2. For the reasons mentioned in the application, the delay of 65 days in re-filing is condoned.
3. The application is disposed of.

CRL.M.A. 7351/2024

4. Allowed, subject to all just exceptions.

CRL.M.C. 1921/2024

5. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.0236/2017 under Sections 420/468/471/120B IPC



registered at Police Station Bindapur and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

6. 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.

7. The petitioner no.1 is the brother of the respondent no.2 and petitioner no.2 is the wife of the petitioner no.1. The parties are present in the Court and they have been identified by the Investigating Officer SI Kishan Chand, PS Bindapur.

8. The brief facts of the case are that a dispute related to a property had arisen between the parties which led to the registration of aforesaid FIR at the instance of the respondent no.2.

9. During the pendency of the proceedings, the parties were referred to the Mediation Centre, Dwarka Courts, New Delhi, where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement dated 06.11.2023, which is annexed as Annexure-2 to the present petition.

10. It is recorded in the settlement that the parties have voluntarily and amicably settled all their disputes.

11. It is also a term of the settlement that the respondent no.2 shall cooperate with the petitioners for quashing of the aforesaid FIR.

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

13. 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.”

14. 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.
15. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.
16. Consequently, the petition is allowed and the FIR No.0236/2017 under Sections 420/468/471/120B IPC registered at Police Station Bindapur alongwith all other proceedings emanating therefrom, is quashed.
17. The petition stands disposed of in the above terms.
18. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

MARCH 7, 2024

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