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

+ **CRL.M.C. 2867/2024**

ASHWANI CHAUHAN AND ORS & ORS. Petitioners

Through: Mr. Mrinal Bharti, Adv. for
petitioners with petitioners in person

versus

STATE GOVT OF NCT OF DELHI & ANR. & ORS.

..... Respondents

Through: Mr. Hitesh Vali, APP for State with
SI Suresh Kumar Police Station New
Usmanpur

Mr. Manish Kumar Shekhari, Mr.
Santosh Kumar, Ms. Sanjana
Srivastava, Advs. for R2 with R2 in
person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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09.04.2024

CRL.M.A. 10907/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.A. 10908/2024 (delay of 86 days in re – filing)

3. This is an application has been filed seeking condonation of delay of 86 days in re-filing the present petition.
4. For the reasons mentioned in the application, the delay in re-filing is condoned.
5. The application stands disposed of.

CRL.M.C. 2867/2024 & CRL.M.A. 10906/2024 (stay)

6. The present petition has been filed under Section 482 CrPC seeking



quashing of FIR No.777/2018 under Sections 354/354D/341/506/323/34 IPC registered at Police Station New Usmanpur, Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

7. Issue notice. The learned APP for the State accepts notice. He submits that since the parties have arrived at a settlement and the respondent no. 2 is not interested in prosecuting the present matter, the State has no objection in case the FIR in question is quashed.

8. The petitioner nos. 1 - 6, 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 Suresh Kumar Police Station New Usmanpur.

9. The brief facts of the case are that a fight took place between the petitioners on the one side and the brother of the respondent no. 2 on the other side. When respondent no. 2 tried to interfere to stop the fight, the petitioners assaulted her as well. On the basis of the complaint made by the respondent no. 2, the aforesaid FIR came to be registered.

10. During the pendency of the proceedings the parties have arrived at a settlement, terms whereof have been reduced in writing in the affidavit-cum-undertaking of the respondent no. 2 which has been annexed as Annexure P9 to the present petition.

11. It is recorded in the said affidavit that the respondent no. 2 has arrived at settlement with the petitioners with the intervention of respective families.

12. It is also mentioned in the said affidavit that the respondent no. 2 has no objection in case the aforesaid FIR is quashed.

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



14. 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.”

15. 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.

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

17. Consequently, the petition is allowed and the FIR No.777/2018 under Sections 354/354D/341/506/323/34 IPC registered at Police Station New Usmanpur, Delhi along with all other consequential proceedings emanating therefrom, is quashed.

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

19. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

APRIL 9, 2024/N.S. ASWAL