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

+ **CRL.M.C. 9527/2024**

RAJEEV GUPTA @ RAJIV KUMAR & ORS.Petitioner

Through: Mr Akarsh Gupta, Adv.

versus

STATE GOVT. OF NCT OF DELHI AND ORS.Respondent

Through: Ms. Priyanka Dalal, APP

SI Manish Phogat, PS Mehrauli

Mr. Murari Tiwari, Mr. V.K. Pandey, Mr. M.L.

Chaudhary, Mr. Amit Rana, Advs. for Ms. Shalini
Kesarvani, Adv.

Mr. Amit Rana, Mr. Vinod Kumar, Advs. for R-2,
3 & 4

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

20.12.2024

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1. This is a petition seeking quashing of F.I.R No. 666/2024 dated 21.10.2024 under Sections 109(1)/191(2)/191(3)/190/351(3)/3(5) of BNS, registered at Police Station Mehrauli and the proceedings emanating therefrom.
2. As per the allegations in the F.I.R, the complainant went to collect the rent of the premises being Khasra No. 241, Village Laddo Sarai, MG Road, admeasuring area of 100 square yards. The petitioner did not pay the rent and there was an altercation. Hence, the F.I.R.
3. During the pendency of the proceedings, the parties have arrived at a settlement dated 05.11.2024 wherein the parties have resolved their disputes and the complainant has agreed to cooperate with the quashing of the FIR.
4. The vacant and peaceful possession of the plot being Khasra No. 241, Village Laddo Sarai, MG Road has been handed over to the complainant,



i.e. respondent No. 2.

5. The petitioners are present in Court and have been identified by their counsel, Mr Aakarshak Gupta.

6. The respondent No.2 is also present in Court and has been identified by his counsel, Mr Amit Rana and by the Investigating Officer SI Manish Phogat, Police Station Mehrauli.

7. Parties state that they have arrived at the settlement out of their own free will without any threat, pressure, coercion or undue influence.

8. Even though the offence is under section 109(1) of BNS, a coordinate bench of this Court in ***Crl. M.C. 111/2016*** titled as “***Dina Nath Prasad & Ors. vs. The State & Anr.***” quashed the FIR under section 307 of IPC in similar circumstances while relying on “***Gian Singh Vs. State of Punjab and Another***” (2012) 2 SCC (L&S) 998 and “***Narinder Singh & Ors. Vs. State of Punjab & Anr***” 2014 6 SCC 466. The relevant paras of ***Dina Nath Prasad*** (*supra*) reads as under:

“7. Both the parties who are present in the Court today, approbate the aforesaid settlement dated 21.12.2015 and undertake to remain bound by the same.

8. As discussed above, offence punishable under Section 307 of the IPC and Section 27 Arms Act are not compoundable being of serious nature, however, if the Court feels that continuation of criminal proceedings will be an exercise in futility and justice in this case demands that the dispute between the parties is put to an end and peace is restored, it can order for quashing of the FIR or criminal proceedings as it is the duty of the Court to prevent continuation of unnecessary judicial process.

9. In view of the law discussed above, considering the settlement arrived at between the parties and the statements of respondent Nos.1 & 2, I am of the considered opinion that this matter deserves



to be given a quietus as continuance of proceedings arising out of the FIR in question would be an exercise in futility.”

9. In view of the above facts and circumstances and since the parties have arrived at a settlement and no disputes are pending, it is felt that no useful purpose would be served in prosecuting the F.I.R No. 666/2024 dated 21.10.2024 under Sections 109(1)/191(2)/191(3)/190/351(3)/3(5) of BNS, registered at Police Station Mehrauli and the proceedings emanating therefrom.

10. However, I am of the view that considerable time of the police and judicial time has been wasted. The police machinery has been put in motion on account of the acts of commission & omission on behalf of the parties and useful time of the police which could have been utilised for important matters has been misdirected towards this case. Hence, the petitioner must pay costs.

11. For the reasons stated above, F.I.R No. 666/2024 dated 21.10.2024 under Sections 109(1)/191(2)/191(3)/190/351(3)/3(5) of BNS, registered at Police Station Mehrauli and the proceedings emanating therefrom are hereby quashed subject to payment of costs of Rs. 20,000/- by petitioner No. 1 to DHCBA within a period of 4 weeks from today.

12. The proof of payment of cost shall be filed in the Registry within 6 weeks and in case the same is not furnished, the file shall be put up before the Court.

13. The petition is disposed of accordingly.

JASMEET SINGH, J

DECEMBER 20, 2024/sp