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

+ CRL.M.C. 9699/2024 & CRL.M.A. 37210/2024

SONPAL & ORS.

.....Petitioners

Through: Mr. L.K. Verma, Mr. Hritik Verma
and Mr. Mohit Verma, Advs.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Digam Singh Dagar, APP with SI
Mohd. Kafeel, PS Fatehpur Beri and
SI Arvind Kumar, PS Sangam Vihar.
Mr. Chaitanya Sharma, Adv. for R-2
to 6.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
10.12.2024

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1. The present petition has been filed under Section 528 of BNSS, 2023 seeking quashing of FIR No.105/2022 under Sections 308/323/341/34 IPC registered at P.S. Fatehpur Beri, Delhi and all consequential proceedings emanating therefrom on the ground that parties have arrived at a settlement.
2. Issue notice. Mr. Digam Singh Dagar, learned APP appearing on behalf of the State, as well as, Mr. Chaitanya Sharma, learned counsel appearing on behalf of the respondent nos.2 to 6 accept notice. Mr. Dagar submits that since the FIR is an outcome of a fight and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
3. The parties have been identified by their respective counsel and by the



Investigating Officer, i.e., SI Mohd. Kafeel, PS Fatehpur Beri, Delhi and SI Arvind Kumar, PS Sangam Vihar, Delhi.

4. The brief facts of the case are that the aforesaid FIR came to be registered on the complaint of the respondent no.4 on the allegation that when his mother Smt. Ramesh Devi was cleaning outside their house, petitioner no.1 made a false allegation that the garbage was thrown in front of the house of petitioner no.1. This led to a scuffle between the parties which escalated to the level of a fight.

5. During pendency of the proceedings, the parties have arrived at a settlement, terms whereof have been reduced in writing in the form of Memorandum of Understanding/Settlement Deed dated 26.11.2024, copy of which is annexed as Annexure P4 to the present petition.

6. On a query posed by this Court, the complainant and other respondents, who are present in Court, affirm the factum of settlement and state that they have 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.105/2022 under Sections 308/323/341/34 IPC registered at P.S. Fatehpur Beri, Delhi along with all other consequential 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.

DECEMBER 10, 2024

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VIKAS MAHAJAN, J