



\$~5

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

+ **CRL.M.C. 9772/2024**

SANDEEP JAISWAL & ORS.Petitioners

Through: Mr. Saasaank Singh, Adv. along with
petitioners in person.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR.....Respondents

Through: Mr. Nawal Kishore Jha, APP for State
with SI Sunil Gahlot, PS. South
Campus.
Mr. Nalin Choudhary and Mr. Nakul
Sagar, Advs. along with R-2 in
person.

**CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN**

% **ORDER**
23.12.2024

CRL.M.A. 37485/2024 (exemption)

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

CRL.M.C. 9772/2024

3. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.95/2022 under Sections 392/397/34/411 IPC registered at Police Station South Campus, New Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived



at a settlement.

4. Issue notice. The learned APP for the State, as well as, the learned counsel for the respondent no.2 accepts notice. They, on instructions, submit that they have no objection in case the aforesaid FIR is quashed.

5. The learned APP appearing on behalf of the State submits that in the present case, since the State machinery has been put into motion and considerable time and resources of the investigating agency have been spent in the investigation of the matter, therefore, some cost may be imposed on the petitioners.

6. The petitioner nos.1 to 4, as well as, respondent no. 2 are present in Court and they have been identified by their respective counsel and by the Investigating Officer SI Sunil Gahlot, PS. South Campus.

7. The case of the prosecution is that on 18.04.2022 at around 03:25 p.m, the respondent no.2/complainant received a call from the petitioner no.3/Nitin Vaid, who is the friend of the respondent no.2 asking him to come to Nanakpura Market. When the respondent no.2 reached there, the petitioners tried to befool him which led to the scuffle between the parties and the petitioners took respondent no.2's wallet and his gold chain. Thereafter, the respondent no.2 made a complaint to the police, which culminated into the aforesaid FIR.

8. During pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Understanding (MoU) dated 03.12.2024, which is annexed as Annexure P-2 to the present petition.

9. It is mentioned in the settlement that the petitioners, as well as, respondent no.2 are friends and with the intervention of their common



friends and elder of their society, they have arrived at a settlement. It is also recorded in the settlement that the respondent no.2 shall cooperate with the petitioners in the quashing of the aforesaid FIR.

10. On a query posed by the Court, the respondent no.2, who is present in Court affirms the factum of settlement and states that he has no objection in case the FIR is quashed.

11. 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.”

12. In view of the settlement between the parties, the ultimate chances of conviction in the present case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.

13. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed subject to the petitioners depositing cost of Rs.2,500/- each with the Delhi State Legal Services Authority and the said amount be utilized towards counselling / psychological support to be provided to POCSO victims requiring such assistance.

14. Consequently, the petition is allowed and the FIR No.95/2022 under



Sections 392/397/34/411 IPC registered at Police Station South Campus, New Delhi alongwith all other proceedings emanating therefrom, is quashed subject to payment of costs as aforesaid.

15. The petition stands disposed of in the above terms.
16. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

DECEMBER 23, 2024/dss