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

+ **CRL.M.C. 9817/2024**

PREM

.....Petitioner

Through: Mr. D.S. Bangari and Mr. Naved
Khan, Advs.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Nawal Kishore Jha, APP for State
with SI Karamveer, PS. Mundka.
Mr. Nagender Kumar Yadav, Ms.
Sunita and Mr. Ghulam Sarwar,
Advs. for R-2. Along with R-2 in
person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

13.12.2024

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CRL.M.A. 37645/2024 (exemption)

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

CRL.M.C. 9817/2024

3. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.352/2016 under Sections 323/354/34 IPC registered at Police Station Mundka 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 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.

5. The petitioner no.1, 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 Karamveer, PS. Mundka.

6. The brief facts of the case are that the present FIR was registered on the basis of a complaint made by the respondent no.2/complainant alleging that on 18.09.2016, when the complainant visited her matrimonial house with her brother and his wife, her in laws gave her a beating. It is further alleged that petitioner herein who is the husband of respondent no.2' sister-in-law misbehaved with her.

7. During the pendency of the proceedings, the parties have arrived at a settlement, in terms of which parties have amicably resolved all their disputes.

8. It is also agreed between the parties that the respondent no.2 shall cooperate with the petitioner for the quashing of the present FIR.

9. The petition is also supported by the affidavit of the respondent no.2 at Pages 72 -73 of the petition.

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 she 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. The parties are related to each other and in view of the settlement between them, 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.
13. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.
14. Consequently, the petition is allowed and the FIR No.352/2016 under Sections 323/354/34 IPC registered at Police Station Mundka alongwith all other proceedings emanating therefrom, is quashed.
15. The petition stands disposed of in the above terms.
16. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

DECEMBER 13, 2024/dss