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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3914/2024**
ANKUSH KASHYAPPetitioner
Through: **Mr. Sushil Bhati, Mr. Ghanshyam**
Nagar, Mr. Abhishek Pal, Advocates
versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents
Through: **Mr. Sanjay Lao, Standing Counsel**
with Mr. Priyam Aggarwal and Mr.
Abhinav Kumar Arya, Advocates for
the State with SI Abhimanyu Tomar,
PS Karawal Nagar

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
% **16.12.2024**

CRL.M.A. 37812/2024 (exemption)

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

CRL.M.C. 3914/2024

3. The present petition has been filed under Section 528 of BNSS 2023 seeking quashing of FIR No. 377/2023 under Sections 420/468/471/506 of the IPC registered at Police Station Karawal Nagar, 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 accepts notice. Learned APP appearing for the State submits that since the parties have arrived at a



settlement and the investigation is at the initial stage, therefore, the State has no objection in case the aforesaid FIR is quashed.

5. The parties are present in court and they have been identified by their respective counsel and by the Investigating Officer/SI Abhimanyu Tomar, PS Karawal Nagar.

6. The case of the prosecution in brief is that the present FIR was registered on a complaint made by the respondent no. 2 wherein it was alleged that the petitioner misrepresented himself to be owner of a property and extorted an amount of Rs. 5 lakhs from the respondent no. 2.

7. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of a Memorandum of Understanding dated 11.12.2024, a copy of which has been annexed to the present petition.

8. As per settlement, a total amount of Rs. 4 lakhs will be paid by the petitioner to the respondent no. 2 towards full and final settlement of all their disputes. Out of the said amount of Rs. 4 lakhs, a sum of Rs. 2 lakhs has already been paid in the manner stated in the settlement and the balance amount of Rs. 2 lakhs will be paid by the petitioner at the time of withdrawal of civil suit filed by the respondent no. 2 against the petitioner, which is pending in the Court of learned Addl. District Judge, Karkardooma Courts, New Delhi.

9. The respondent no.2 who is present in Court, on a query posed by the Court, affirms the factum of settlement and states that she has no objection in case the aforesaid FIR is quashed.

10. 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.”

11. 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.

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

13. Consequently, the petition is allowed and the FIR No. 377/2023 under Sections 420/468/471/506 of the IPC registered at Police Station Karawal Nagar, New Delhi alongwith all other proceedings emanating therefrom, is quashed, subject to payment of balance sum of Rs. 2 lakhs to the respondent no. 2 by the petitioner at the time withdrawal of civil suit.

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

VIKAS MAHAJAN, J

DECEMBER 16, 2024

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