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

+ **CRL.M.C. 9965/2024 & CRL.M.A. 38165-67/2024**

Sunita @ Ashulata & Anr.

.....Petitioners

Through: Mr. Gaurav Chauhan, Adv. along
with petitioners in person.

versus

Govt. of National Capital Territory of Delhi & Anr.....Respondents

Through: Mr. Aashneet Singh, APP for State
with Insp. Satbir Singh, PS. Jaitpur.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

18.12.2024

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1. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.390/2021 under Sections 506/504/34 IPC and Section 3(1)(r)(s) of SC/ST (Prevention of Atrocities) Act, 1989 registered at Police Station Jaitpur and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Issue notice. The learned APP for the State accepts notice.
3. The petitioner nos. 1 and 2, as well as, respondent no. 2 are present in the Court and they have been identified by their respective counsel, as well as, by the Investigating Officer Insp. Satbir Singh, PS. Jaitpur.
4. The brief facts of the case are that the petitioner nos.1 and 2 and the respondent no.2 are neighbours and on account of some misunderstanding a petty quarrel and arguments took place between them which led to the registration of an aforesaid FIR, at the instance of the respondent no.2.



5. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Understanding dated 13.03.2024, which is annexed as Annexure E to the present petition.

6. It is also recorded in the settlement that the petitioner nos. 1 and 2, as well as, the respondent no.2 have amicably resolved all their misunderstanding. It has also mentioned that the respondent no.2 shall cooperate with the petitioners for the quashing of the aforesaid FIR.

7. 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.

8. 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.”

9. 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.

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



11. Consequently, the petition is allowed and the FIR No.390/2021 under Sections 506/504/34 IPC and Section 3(1)(r)(s) of SC/ST (Prevention of Atrocities) Act, 1989 registered at Police Station Jaitpur alongwith all other proceedings emanating therefrom, is quashed.
12. The petition stands disposed of along with pending applications, if any, in the above terms.
13. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

DECEMBER 18, 2024/dss