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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 10133/2024

NEERAJ KASHYAP AND ORS

.....Petitioners

Through: Mr. M. Naushad, Adv. along with P-1
to 3 & 5 to 8.

versus

THE STATE GOVT OF NCT OF DELHI AND ORS....Respondents

Through: Mr. Nawal Kishore Jha, APP for State
with SI Mitthan Lal, PS Sarita Vihar,
Delhi.
R-2 to 4 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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24.12.2024

CRL.M.A. Nos.38875/2024 & 38876/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The applications stand disposed of.

CRL.M.C. 10133/2024

3. The present petition has been filed under Section 528 of BNSS, 2023 seeking quashing of FIR No.251/2017 under Sections 452/323/308/506/34 IPC registered at P.S. Sarita Vihar, Delhi and all consequential proceedings emanating therefrom, on the ground that the parties have arrived at a settlement.
4. Issue notice. Mr. Nawal Kishore Jha, learned APP appearing on behalf of the State accepts notice.



5. The petitioner nos.1 to 3 and 5 to 8 are present in Court. The petitioner no.4 is stated to have passed away. Likewise, the respondent nos.2 to 4 are also present in Court.
6. The parties have been identified by the Investigating Officer, i.e., S.I. Mitthan Lal, P.S. Sarita Vihar, Delhi.
7. The brief facts of the case are that the aforesaid FIR was registered on 06.08.2017 regarding an incident of 05.08.2017 on a complaint of respondent no.2 alleging that at around 8:30 AM, his neighbour Rattan Singh tried to stop him by abusing and further entered the complainant's house along with his two children (Rajesh and Charan Singh) and thereafter all of them started beating him. It is further alleged that Rattan Singh's grandson namely Amit and Neeraj caught hold of the complainant and attacked complainant with sword and iron rod. After that the complainant's wife and son came to save him, whereupon the respondent nos.3 and 4 also suffered injuries.
8. The learned counsel appearing on behalf of the petitioners submits that the parties are closely related to each other inasmuch as the respondent no.2 is the real brother of deceased petitioner no.4 and, thus, happens to be the grandfather of accused persons.
9. He submits that 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 (MoU) dated 25.10.2024, a copy of which is annexed as Annexure-B to the present petition.
10. It is recorded in the settlement that the parties being related to each other have amicably resolved their disputes. It is also a term of the settlement that the respondents shall cooperate with the petitioners in quashing of the aforesaid FIR.



11. A copy of the chargesheet, as well as, MLC has been handed over in Court and the same is taken on record. A perusal of the chargesheet, as well as, MLC shows that the nature of injuries sustained by the complainant is simple and have been inflicted with blunt weapon. The trial is stated to be at the initial stage inasmuch as the prosecution evidence is still underway.

12. The respondent no.2, on a query put by the Court, states that he has no objection in case the FIR is quashed.

13. 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.”

14. Having regard to the fact that the parties are closely related to each other and perusal of the chargesheet and MLC reveals that the injuries suffered by the complainant is simple in nature and inflicted with blunt weapon and the parties have arrived at a settlement, as well as, further keeping in view the fact that the trial is at the initial stage, this Court is of the view that 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.

15. It is, thus, in the interest of justice that the present FIR and all the other



proceedings emanating therefrom be quashed.

16. Consequently, the petition is allowed and the FIR No.251/2017 under Sections 452/323/308/506/34 IPC registered at P.S. Sarita Vihar, Delhi along with all other consequential proceedings emanating therefrom, is quashed.

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

18. Order be uploaded on the website of this Court.

DECEMBER 24, 2024

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VIKAS MAHAJAN, J