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

+ CRL.M.C. 1713/2017

SANDEP VASWANI & ORS Petitioners

Through: Mr Tamim Qadri, Advocate.

versus

NCT OF DELHI & ANR Respondents

Through: Mr Raj Kumar, APP for the State
with SI Sumit Kumar, PS Govindpuri.

22.

+ W.P.(CRL) 1580/2013

SANDEEP VASWANI & ORS. Petitioners

Through: Mr Tamim Qadri, Advocate.

versus

GOVT OF NCT OF DELHI Respondent

Through: Mr Amol Sinha, ASC for the State
with Ashvini Kumar and Mr Kshitiz
Garg, Advocates with SI Sumit
Kumar, PS Govindpuri.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

23.02.2024

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W.P.(CRL) 1580/2013

1. The present petition has been filed under Article 226 of the Constitution of India read with Section 482 CrPC seeking quashing of FIR No.0331/2013 under Sections 448/506/34 IPC registered at PS Govind Puri.

CRL.M.C. 1713/2017 & CRL.M.A. 6969/2017

2. This petition has been filed seeking quashing of the chargesheet filed



in the FIR No.0331/2013 under Sections 452/323/448/147/149/506/34 IPC registered at PS Govind Puri.

W.P.(CRL) 1580/2013

CRL.M.C. 1713/2017

3. Issue notice. Learned APP, as well as, learned ASC for the State accepts notice.
4. The petitioners are present in the Court whereas the respondent no.2 has joined through video conferencing and they have been identified by the Investigating Officer SI Sumit Kumar, PS Govindpuri.
5. The brief facts of the case are that the husband of the respondent no.2 was the owner of the property comprised Khasra No.93, Govindpuri and he agreed to sell the same to the wife of the petitioner no.1 and in that regard an Agreement to Sell dated 17.10.2012 was executed. Later on certain disputes arose between the petitioners and the owner of the property which led to the registration of the present FIR at the instance of the respondent no.2.
6. During the pendency of the proceedings, the parties arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Understanding dated 29.05.2013, which is annexed as Annexure-E to the present petition.
7. In the said MoU, it was agreed that the husband of the respondent no.2 shall execute the relevant title documents in favour of the wife of the petitioner no.1. Accordingly, the Sale Deed was executed by the husband of the respondent no.2 on 17.06.2013.
8. It is also a term of the settlement that the respondent no.2 shall cooperate with the petitioners for the quashing of the aforesaid FIR.
9. Respondent no.2 has joined through video conferencing along with



her son, namely, Dr Manoj Kardam. They state that the respondent no.2 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 petitions are allowed and the FIR No.0331/2013 under Sections 448/506/34 IPC registered at PS Govind Puri alongwith all other proceedings emanating therefrom, is quashed.

14. The petitions stand disposed of in the above terms.

15. Order be uploaded on the website of this court.

VIKAS MAHAJAN, J

FEBRUARY 23, 2024/MK