



\$~54

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

+ CRL.M.C. 3419/2024

AJAY YADAV & ANR.

.....Petitioners

Through: Mr. Karan Babuta, Advocate with
petitioners in person.

versus

STATE N.C.T OF DELHI & ORS.

.....Respondents

Through: Mr. Nawal Kishore Jha, APP for the
State with SI Yogesh P.S. Moti
Nagar.
Complainant in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

%

17.01.2025

1. The present petition has been filed seeking quashing of FIR No. 276/2021 dated 26.05.2021 under Sections 308/34 IPC registered at Police Station Moti Nagar, Delhi, on the ground that the parties have arrived at a settlement.
2. Notice was issued in this petition *vide* order dated 21.05.2024 and it was directed that status report be filed by the State. Status report has been filed by the State and the same is on record.
3. During pendency of the proceedings, the parties have resolved their differences and have arrived at a settlement, terms whereof have been reduced in the form of Settlement Agreement dated 16.04.2024, which is annexed as Annexure P-6 to the present petition. In the settlement it has been recorded that the parties have decided to resolve their disputes. It is



also in the terms of settlement that the complainant shall co-operate with the petitioners for quashing of the FIR in question.

4. A perusal of the status report shows that no opinion on the nature of the injury is available since the complainant did not appear before the treating doctor. It is also not the case of the prosecution that in the fight which allegedly took place between the petitioner and the complainant dangerous weapons were used.

5. Respondent/complainant, who is present in Court, on query posed by the Court states that he had suffered only simple injury. He submits that he has no objection to the quashing of the aforesaid FIR.

6. 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.”

7. 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.

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

9. Consequently, the petition is allowed and the FIR No. 276/2021 dated



26.05.2021 under Sections 308/34 IPC registered at Police Station Moti Nagar, Delhi, alongwith all other proceedings emanating therefrom, is quashed.

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

VIKAS MAHAJAN, J

JANUARY 17, 2025

AK