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

+ **CRL.M.C. 4007/2024**

**KUNAL MAHLAWAT**

.....Petitioner

Through: Mr. Abhijat Bhardwaj and Mr. Saurav  
Sharma, Advs. with Petitioner in  
person.

versus

**STATE OF DELHI & ANR.**

.....Respondents

Through: Mr. Utkarsh, APP for State with SI  
Pardeep PS Mehrauli, Delhi  
Respondent no. 2 in person.

**CORAM:**

**HON'BLE MR. JUSTICE VIKAS MAHAJAN**

**ORDER**

**30.01.2025**

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1. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.1555/2016 under Sections 323/308 IPC registered at Police Station Mehrauli and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Notice in the petition was issued *vide* order dated 17.05.2024. The learned APP for the State submits that since the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
3. The petitioner no.1, as well as, respondent no. 2 are present in the Court and they have been identified by learned counsel for the petitioner, as well as, by the Investigating Officer SI Pardeep PS Mehrauli, Delhi.
4. The brief facts of the case are that the petitioner, as well as, the



respondent no.2(complainant) are siblings and on account of scuffle between them arising out of a household issue, the respondent no.2/complainant had suffered an injury, which has been opined to be a simple one.

5. 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 08.05.2024, which is annexed as Annexure P3 to the present petition.

6. In terms of the said settlement that the parties have amicably resolved all their disputes amicably without any force, coercion or pressure.

7. The respondent no.2, who is present in Court, on a query posed by the Court affirms the factum of settlement and states that since the petitioner is her brother, she does not wish to prosecute the present FIR registered against him 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.1555/2016 under Sections 323/308 IPC registered at Police Station Mehrauli alongwith all other proceedings emanating therefrom, is quashed.

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

**VIKAS MAHAJAN, J**

**JANUARY 30, 2025**

**N.S. ASWAL**