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

+ **CRL.M.C. 5445/2024**

KAMIL

.....Petitioner

Through: Mr. Mohd. Shadam, Advocate along
with petitioner in person

versus

THE STATE NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Digam Singh Dagar, APP for
State with SI Pardeep Malik, PS
Jamia Nagar
Mr. Mujeebur Rehman, Advocate for
R-2 to R-4

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
22.01.2025

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1. The present petition has been filed under Section 482 Cr. P.C. 1973 seeking quashing of FIR No. 0058/2019 under Sections 323/325/341/452/34 IPC registered at Police Station Jamia Nagar, New Delhi along with all other proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Issue notice. Learned APP appearing on behalf of the State accepts notice. Learned counsel for the respondent nos. 2 to 4 also accepts notice.
3. The petitioner as well as respondent nos. 2 & 3 are present in Court while the respondent no. 4 has joined through video conferencing and they have been identified by their respective counsel and also by the I.O/ SI Pardeep Malik, PS Jamia Nagar, New Delhi.



4. The case of the prosecution is that the petitioner had come to the residence of the respondents and a fight had taken place which led to the registration of the aforesaid FIR.
5. During the pendency of the proceedings, the parties have arrived at a settlement, the terms of which have been reduced in writing in the form of a Memorandum of Understanding/Settlement Agreement dated 19.05.2024, a copy of which is annexed as Annexure-P4 to the present petition.
6. It is recorded in the settlement that the parties have mutually settled all their disputes without any pressure or coercion. It is also the term of the settlement that the respondents shall cooperate with the petitioner for quashing of the aforesaid FIR.
7. Respondent no. 3 (complainant), as well as, respondent no.2, who are present in Court, on a query posed by the Court, affirm the factum of settlement and state that they have no objection in case the aforesaid 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. 0058/2019 under Sections 323/325/341/452/34 IPC registered at Police Station Jamia Nagar, New Delhi alongwith all other proceedings emanating therefrom, is quashed.

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

VIKAS MAHAJAN, J

JANUARY 22, 2025

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