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

+ **CRL.M.C. 5549/2024**

SACHIN @ SACHIN KUMAR & ORS.

.....Petitioners

Through: Mr. Jitender Singh and Mr.
Dharmendra Singh, Advs. with
petitioner nos. 1 – 4 and 6 in person.
Petitioner no. 5 (through VC)

versus

STATE (GNCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Ajay Vikram Singh, APP for State
with IO/HC Rambir Singh PS Cyber
South
Mr. Nagmani, Adv. for R-2 with R-2
in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

20.01.2025

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CRL.M.A. 21169/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 5549/2024

3. The present petition has been filed under Section 482 CrPC seeking quashing of FIR No.486/2021 under Sections 420/120B/34 IPC registered at Police Station Mehrauli, New Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a



settlement.

4. Notice in the petition was issued *vide* order dated 22.07.2024. 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.

5. The petitioner nos.1 to 4 are present in the Court whereas petitioner no. 5, as well as, respondent no. 2 have joined through VC. The parties have been identified by their respective counsel, as well as, by the Investigating Officer IO/HC Rambir Singh PS Cyber South.

6. The case of the prosecution is that the respondent no.2 was allured by the petitioners to make investment and accordingly the respondent no.2 transferred an amount of Rs.2 Lakhs to petitioner no.1. This led to the registration of aforesaid FIR at the instance of respondent no.2.

7. 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 21.09.2023, which is annexed as Annexure P-3 (colly) to the present petition. It is a term of the settlement that both the parties have amicably resolved all their disputes and differences without any force, coercion and pressure.

8. It is also a term of the settlement that respondent no.2 shall cooperate in quashing the aforesaid FIR.

9. The respondent no.2, on a query posed by the Court, states that he has no objection in case the 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 petition is allowed and the FIR No.486/2021 under Sections 420/120B/34 IPC registered at Police Station Mehrauli, New Delhi alongwith all other proceedings emanating therefrom, is quashed subject to payment of cost as aforesaid, within a period of two weeks from today.

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

VIKAS MAHAJAN, J

JANUARY 20, 2025

N.S. ASWAL