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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 5657/2024

RITESH KUMAR & ANR.

.....Petitioners

Through: Mr. M.L. Yadav, Advocate with
petitioners in person.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Ajay Vikram Singh, APP for the
State with IO/SI Sunil, P.S. Adarsh
Nagar.
Complainant in person through VC.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

09.01.2025

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1. The present Writ Petition under Section 482 Cr.P.C. has been filed on behalf of the petitioners, for quashing of FIR No. 322/2013 under Sections 384/507/511/34 of IPC, registered at Police Station Adarsh Nagar, Delhi, on the ground of Settlement.
2. The petitioners are present in the Court and the complainant/respondent no.2 has joined through VC. They have been identified by the Investigating Officer S.I. Sunil, P.S. Adarsh Nagar, Delhi.
3. The case of the prosecution is that the FIR was lodged by the complainant/respondent no. 2 on 31.10.2013 alleging that the accused persons had called the complainant and threatened to kidnap his only son.



4. During the pendency of the proceedings the parties are stated to have arrived at a settlement, terms whereof have been reduced in writing *vide* Settlement Deed of March, 2024. In terms of the said Settlement Deed, the parties have resolved all the differences with the intervention of respected persons of the society. It is also not in dispute that the petitioners were the employees of the complainant/respondent no. 2.

5. Respondent no. 2 appears through video conferencing and on query posed by the Court, he affirms the factum of settlement and states that he has no objection in case the aforesaid FIR No. 322/2013 is quashed.

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. 34, 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. Considering the fact that the parties have arrived at a settlement, no useful purpose will be served in continuing the proceedings.

8. Further, in view of the settlement between the parties, the ultimate chances of conviction in the case are also bleak, therefore, continuation of criminal proceedings will be an exercise in futility.

9. It is, thus, in the interest of justice that the present FIR and all other proceedings emanating therefrom are quashed qua the petitioner.



10. Consequently, the petition is allowed and the FIR No. 322/2013 under Sections 384/507/511/34 of IPC, registered at Police Station Adarsh Nagar, Delhi, along with all other consequential proceedings emanating therefrom, is quashed qua the petitioner subject to deposit of cost as aforesaid.

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

VIKAS MAHAJAN, J

JANUARY 9, 2025/*AK*