



\$~67

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

+ CRL.M.C. 6261/2024 & CRL. M.A. 23942/2024 & CRL. M.A. 39678/2024

NITIN KUMAR PANNU AND ORS

.....Petitioners

Through: Mr. Gaurav Sharma, Advocate (DHCLSC) with Ms. Aakanksha Sharma and Ms. Sakshi Jha, Advocates for complainant/P-1 along with P-1 in person.
Mr. Yeeshu Jain and Ms. Jyoti Tyagi, Advocates for P-2 to P-6

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Nawal Kishore Jha, APP for State with SI Mukesh Kumar, PS Tilak Nagar

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

22.01.2025

%

1. The present joint petition has been filed under Section 482 Cr. P.C. 1973 seeking quashing of FIR No. 327/2024 under Sections 394/452/34 IPC registered at Police Station Tilak Nagar, New Delhi along with all other proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

2. The petitioner no. 1 (complainant) and petitioner nos. 4 and 6 are present in Court, while petitioner nos. 2 and 3 have joined through video conferencing. The petitioner no. 5 is stated to be in judicial custody in connection with the present case. The petitioners who are present in Court,



have been identified by the I.O/ SI Mukesh Kumar, PS Tilak Nagar.

3. The present case was registered at the instance of petitioner no. 1. During the pendency of proceedings, the parties arrived at a settlement, the terms whereof were reduced in writing in the form of Settlement Deed dated 08.07.2024, a copy of which is annexed as Annexure-A3 to the present petition.

4. It is recorded in the settlement that with the intervention of *Biradri Panchayat*, all the parties have amicably arrived at a settlement. It is also mentioned that the complaint got registered by the petitioner no. 1 on spur of moment due to misunderstanding with the other petitioners.

5. Petitioner no. 1/complainant who is present in Court (represented by Mr. Gaurav Sharma, Advocate appointed by DHCLSC), on a query posed by the Court, affirms the factum of settlement and states that one of the petitioners, viz. Parmod Kumar Sihag was known to him since long and there was a financial dispute with him and on account of some misunderstanding and under undue haste the present FIR was registered by him. He states that he has no objection in case the aforesaid FIR is quashed.

6. Learned APP appearing on behalf of the State submits that though the chargesheet has been filed but the charges have not yet been framed in the present matter.

7. 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.”

8. 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.
9. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.
10. Consequently, the petition is allowed and the FIR No. 327/2024 under Sections 394/452/34 IPC registered at Police Station Tilak Nagar, New Delhi alongwith all other proceedings emanating therefrom, is quashed.
11. Having regard to the fact that this Court has quashed the aforesaid FIR, the Jail Superintendent is directed to release the petitioner no. 5 – Mandeep Kumar forthwith, if he is not required in another other case.
12. The petition stands disposed of in the above terms.

VIKAS MAHAJAN, J

JANUARY 22, 2025
‘rs’