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

+ **CRL.M.C. 7591/2024**

KUSHAL AND ANR

.....Petitioners

Through: **Mr. Baldev Sharma, Advocate**

versus

THE STATE NCT OF DELHI THROUGH SHO

P.S. MAHINDRA PARK, DISTT-N-W AND ANR.Respondents

Through: **Mr. Pardeep Gehlot, APP for the
State with SI Geeta**

**Mr. Sushil Kr. Mishra, Advocate for
R-2 with R-2 in person and R-3
(through VC)**

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

09.01.2025

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CRL. M.A. 28990/2024 (exemption)

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

CRL.M.C. 7591/2024

3. The amended memo of parties in terms of order dated 25.09.2024 has been handed over in Court. The same is taken on record.
4. The present petition has been filed under Section 482 of the Cr. P.C. 1973 seeking quashing of FIR No. 1426/2021 under Sections 323/341/509/34 IPC read with Section 12 of POCSO Act, 2012 registered at Police Station Mahendra Park, New Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a



settlement.

5. Issue notice. Mr. Pardeep Gehlot, learned APP appearing on behalf of the State as well as learned counsel appearing private respondents accepts notice.

6. The petitioners as well as respondent no. 2 are present in Court while the respondent no. 3 has joined through video conferencing. The parties have been identified by the respective counsel as well as by the Investigating Officer/SI Geeta.

7. The present FIR was lodged at the instance of respondent no. 2 alleging eve-teasing against her. It is further alleged that some altercation had taken place between the petitioners and the father of respondent no. 2 i.e. respondent no. 3 herein in which the respondent no. 3 is stated to have suffered injuries.

8. During the pendency of the proceedings, the parties have arrived at a settlement. The present petition is also supported by the NOC/Affidavit of respondent no. 2, a copy of which is annexed as Annexure-P2 to the present petition.

9. On a query posed by the Court, respondent no.2 who is present in Court affirms the factum of settlement and states that she has no objection in case the aforesaid FIR is quashed. Likewise, respondent no. 3 who has joined through video conferencing also 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. 1426/2021 under Sections 323/341/509/34 IPC read with Section 12 of POCSO Act, 2012 registered at Police Station Mahendra Park, New Delhi and all consequential proceedings emanating therefrom, is quashed.
14. The petition stands disposed of in the above terms.

VIKAS MAHAJAN, J

JANUARY 9, 2025

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