



\$~55

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 8163/2024**
RAJU SHARMA & ORS.Petitioners

Through: Mr. Sourabh Khaneja, Mr. Deepak
Pawar and Ms. Babita, Adv.

versus

STATE GOVT. OF NCT OF DELHI & ANR.Respondents

Through: Mr. Utkarsh, APP for State with SI
Sandeep and ASI Devisharan.
Mr. Ashwani Saxena, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **13.02.2025**

1. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.388/2017 under Sections 323/324/341/34 IPC registered at Police Station Mansarovar Park and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Issue notice. The learned APP for the State accepts notice. He submits that since the FIR is an outcome of a scuffle and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
3. The learned APP further submits that some cost may be imposed on the petitioners as considerable time and effort has been spent on the investigation and judicial time has also been wasted.
4. The petitioner nos.1 to 4, as well as, the respondent no. 2, who are present in Court, have been identified by their respective counsel, as well as, by the Investigating Officer SI Sandeep and ASI Devisharan.
5. The brief facts of the case are that there was a Fixed Deposit in the



name of Late Maya Devi in which the petitioner no.1 is the nominee. After the demise of Late Maya Devi, the petitioner no.1 had withdrawn the said FD amount of Rs. 1.51 lacs and transferred it to his own account. The dispute had arisen between the parties regarding the said FD amount which led to altercation between the complainant/respondent no.2 and petitioners in which the complainant along with her husband and children sustained injuries. This led to the registration of present FIR.

6. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Understanding-cum-Family Settlement Deed dated 01.07.2024, which is annexed as Annexure C to the present petition.

7. The learned counsel for the petitioners submits that the injuries suffered by the complainant and her family was simple in nature which fact is affirmed by the learned APP, on instructions from the I.O, who is present in Court.

8. It is a term of the settlement between the parties the petitioner no.1 had divided the said amount of Rs. 1.51 lacs into 04 equal part of Rs. 37,750/- each payable to four children of Late Maya Devi i.e., Shri Raju, Khubilal Sharma, Jay Prakash and Kapil.

9. The receipt of settlement amount of her husband's share of Rs.37,750/- is acknowledged by the respondent no.2 (wife of Khubilal Sharma), who is present in court.

10. It is also a term of the settlement that the respondent no.2 will cooperate with the petitioners for the quashing of the present FIR.

11. The respondent no.2, on a query posed by the Court, states that she has no objection in case the FIR is quashed.



12. 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.”

13. 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.

14. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

15. In the present case, since State machinery has been put into motion and considerable time and resources of the investigating agency have been spent in investigation of the matter, therefore, it is deemed appropriate to impose cost of Rs.5,000/- on the petitioners in totality. Accordingly, the petitioners are directed to deposit cost of Rs.5,000/- with the Delhi State Legal Services Authority and the said amount should be utilized towards counselling / psychological support to be provided to POCSO victims requiring such assistance.

16. Consequently, the petition is allowed and the FIR No.388/2017 under Sections 323/324/341/34 IPC registered at Police Station Mansarovar Park alongwith all other proceedings emanating therefrom, is quashed subject to



payment of cost as aforesaid.

17. The petition stands disposed of in the above terms.
18. Order be uploaded on the website of this Court.

FEBRUARY 13, 2025/dss

VIKAS MAHAJAN, J