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

+ **CRL.M.C. 8176/2024**

JOGINDER SINGH AND ORS

.....Petitioners

Through: Mr. Rajesh Kumar, Adv. along with
petitioners.

versus

THE STATE NCT OF DELHI AND ORSRespondents

Through: Mr. Ajay Vikram Singh, APP with SI
Ramavtar, P.S. Vasant Vihar, New
Delhi.
R-2 & 3 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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08.01.2025

1. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.1009/2016 under Sections 354/354B/323/506/34 IPC registered at Police Station Vasant Vihar, New Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Issue notice. Mr. Ajay Vikram Singh, learned APP appearing on behalf of the State accepts notice. He submits that since the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
3. The petitioners, as well as, respondent nos. 2 and 3 are present in the Court and they have been identified by their respective counsel and by the Investigating Officer SI Ramavtar, P.S. Vasant Vihar, New Delhi.



4. The case of the prosecution is that the petitioners, as well as, the respondent no.3/complainant are resident of the same village i.e. Katwaria Sarai, New Delhi. On account of some disputes arising between the parties, it led to the registration of aforesaid FIR at the instance of respondent no.3.

5. 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 (MoU) dated 18.06.2024, a copy of which is annexed as Annexure-P2 to the present petition.

6. It is recorded in the settlement that the parties have resolved their disputes with the intervention of common friends and relatives and have decided to live in peace and harmony. It is also a term of settlement that the respondent no.3 shall cooperate with the petitioners in quashing of the aforesaid FIR.

7. The respondent no.3/complainant, who is present in court, on a query posed by the court, affirms the factum of settlement and states that she has no objection in case the FIR is quashed.

8. 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.”

9. 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.

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

11. Consequently, the petition is allowed and the FIR No.1009/2016 under Sections 354/354B/323/506/34 IPC registered at Police Station Vasant Vihar, New Delhi and all consequential proceedings emanating therefrom, is quashed.

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

13. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

JANUARY 8, 2025

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