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

+ **CRL.M.C. 8344/2024**

ANMOL DHAWAN & ORS.

.....Petitioners

Through: Ms. Shweta S. Kumar, Adv. with
petitioners in person.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondent

Through: Mr. Pradeep Gahlot, APP for State
with SI Rajni Kant PS Kirti Nagar
Mr. Vikhyat Oberoi, Mr. Ravi
Sharma, Ms. Nishita Gupta and Mr.
Shivam Prakash, Advs. for R-2
Respondent no.2 (through VC)

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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14.01.2025

1. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.339/2024 under Sections 305(a)/317(2)/3(5) BNS registered at Police Station Kirti Nagar, West District, Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Notice was issued in the petition on 22.10.2024.
3. The petitioners are present in Court whereas the respondent no. 2 has joined through VC. The parties have been identified by their respective



counsel, as well as, by the Investigating Officer SI Rajni Kant PS Kirti Nagar.

4. The brief facts of the case is that the FIR got registered by respondent no.2 alleging theft.

5. The learned counsel appearing on behalf of the petitioner submits that it was on account of a misunderstanding that the present FIR came to be registered.

6. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Settlement Agreement/MoU dated 08.10.2024, which is annexed as Annexure B to the present petition.

7. It is a term of the settlement that the parties have voluntarily decided to amicably settle all their disputes, grudges and misunderstandings.

8. It is also a term of the settlement that the respondent no. 2 shall cooperate with the petitioners in quashing of the aforesaid FIR.

9. The respondent no.2, who has joined through VC, on a query posed by the Court, affirms the factum of settlement and 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.339/2024 under Sections 305(a)/317(2)/3(5) BNS registered at Police Station Kirti Nagar, West District, Delhi alongwith all other proceedings emanating therefrom, is quashed.
14. The petition stands disposed of in the above terms.
15. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

JANUARY 14, 2025

N.S. ASWAL