



\$~98

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

+ **CRL.M.C. 8347/2024**

SUNIL KUMAR RATHI & ORS.

.....Petitioners

Through: Mr. Shankar K. Jha and Ms. Manu
Monga, Advs. with petitioners in
person.

versus

**THE STATE GOVT OF NCT DELHI TH ITS SECRETARY &
ANR.**

.....Respondents

Through: Mr. Digam Singh Dagar, APP for
State with SI Akhtar Alam PS
Usmanpur, Shahdara, Delhi
Respondent no.2 in person.

**CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN**

**ORDER
17.01.2025**

%

1. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.294/2019 under Sections 324/341/506/34 IPC registered at Police Station New Usmanpur, Shahadara, Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Notice in the petition was issued *vide* order dated 22.10.2024. The learned APP for the State 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 no. 2 are present in the Court



and they have been identified by the Investigating Officer SI Akhtar Alam PS Usmanpur, Shahdara, Delhi.

4. The brief facts of the case are that the present FIR was registered at the instance of respondent no. 2 alleging that he was beaten by the petitioners.

5. During the pendency of the proceedings, the parties were referred to Delhi Mediation Centre, Karkardooma Courts, Delhi where they arrived at a settlement, terms whereof were reduced in writing in the form of Settlement Agreement dated 23.07.2024, which is annexed as Annexure P2 to the present petition.

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

7. The respondent no.2, 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.

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.294/2019 under Sections 324/341/506/34 IPC registered at Police Station New Usmanpur, Shahadara, Delhi alongwith all other 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 17, 2025

N.S. ASWAL