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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 8650/2024**

KHUBILAL SHARMA

.....Petitioner

Through: Mr. Ashwani Saxena, Adv.

versus

STATE GOVT.NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Utkarsh, APP for State with SI
Sandeep and ASI Devisharan.

Mr. Sourabh Khaneja, Mr. Deepak
Pawar and Ms. Babita, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **13.02.2025**

CRL.M.A. 33077/2024 (exemption)

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

CRL.M.C. 8650/2024

3. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.269/2021 under Section 308 IPC registered at Police Station Mansarovar Park and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. 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.
5. The learned APP further submits that some cost may be imposed on the petitioner as considerable time and effort has been spent on the investigation and judicial time has also been wasted.
6. The petitioner, as well as, the respondent no. 2 (complainant), who is present in Court and they have been identified by their respective counsel, as



well as, by the Investigating Officer SI Sandeep and ASI Devisharan.

7. The brief case of the prosecution is that a fight had taken place between the petitioner and the respondent no.2 (complainant), who are siblings and residing in the same house.

8. The dispute had arisen with regard to the FD amount which was in the name of Late Maya Devi in which the respondent no.2 is the nominee. After the demise of Late Maya Devi, the respondent no.2 had withdrawn the said FD amount of Rs.1.51 lacs and transferred it to his own account. This led to the registration of present FIR.

9. 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 4 to the present petition.

10. The learned counsel for the petitioner has invited attention of the Court to the charge sheet to contend that the injury suffered by the respondent no.2/complainant was simple in nature. The said fact is also affirmed by the learned APP, on instructions from the I.O, who is present in Court.

11. It is a term of the settlement between the parties that the respondent no.2 shall divide 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.

12. The receipt of settlement amount of petitioner's share of Rs.37,750/- is acknowledged by the petitioner, who is present in Court.

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

14. The respondent no.2, on a query posed by the Court, states that he has



no objection in case the FIR is quashed.

15. 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.”

16. 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.

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

18. 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 petitioner. Accordingly, the petitioner is 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.

19. Consequently, the petition is allowed and the FIR No.269/2021 under Section 308 IPC registered at Police Station Mansarovar Park alongwith all other proceedings emanating therefrom, is quashed subject to payment of cost



as aforesaid.

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

VIKAS MAHAJAN, J

FEBRUARY 13, 2025/dss