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

+ **CRL.M.C. 8707/2024**

SHAKIR

.....Petitioner

Through: Mr. Sumit Kumar, Advocate with
petitioner in person.

versus

THE STATE GOVT. OF NCT OF DELHI & ANR....Respondents

Through: Mr. Aman Usman, APP for the State
with SI Sachin, PS Khajuri Khas
Mr. Mohd. Danish and Mr. Manish
Dhaker, Advocates for R-2 along with
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

21.01.2025

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1. The present petition has been filed under Section 482 Cr. P.C. 1973 seeking quashing of FIR No. 957/2015 under Sections 394/506 IPC registered at Police Station Khajuri Khas, New Delhi along with all other proceedings emanating therefrom on the ground that the parties have arrived at a settlement.

2. Issue notice. Learned APP appearing on behalf of the State accepts notice. Learned counsel for the respondent no. 2 (complainant) appearing in person also accepts notice. They submit that since the parties have arrived at a settlement they have no objection in case the present FIR is quashed.

3. 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 as well as respondent no. 2 (complainant) are present in Court and they have been identified by their respective counsel and also by the I.O/ SI Sachin, PS Khajuri Khas, New Delhi.
5. The present FIR is an outcome of misunderstanding.
6. Learned counsel appearing on behalf of the petitioner submits that the petitioner and respondent no. 2 got married in the year 2014. However, the petitioner divorced her in the year 2015. He further submits that the aforesaid FIR was registered at the instance of respondent no. 2(former wife) against the petitioner after the divorce.
7. Respondent no. 2 who is present in Court affirms the fact that she was married to the petitioner in the year 2013-2014 and subsequently the petitioner had given divorce to her in the year 2015. She further submits that the present FIR was registered at her instance after the divorce on account of misunderstanding. She submits that the dispute has been resolved with the petitioner and she has no objection in case the aforesaid FIR is quashed.
8. Learned APP appearing for the State, on a query posed by the court, states that there is no previous involvement of the petitioner.
9. The present FIR is though registered under Sections 394/506 IPC, but the same appears to be offshoot of a matrimonial dispute between the petitioner and the respondent no. 2.
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. In the present case, the State machinery has been put into motion and considerable time and resources of the investigating agency have been spent in the investigation of the matter, it is deemed appropriate to impose cost of Rs. 20,000/- on the petitioner. Accordingly, the petitioner is directed to deposit cost of Rs. 20,000/- 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.
14. Consequently, the petition is allowed and the FIR No. 957/2015 under Sections 394/506 IPC registered at Police Station Khajuri Khas, New Delhi alongwith all other proceedings emanating therefrom, is quashed subject to payment of cost as aforesaid, within a period of four weeks from today.
15. The petition stands disposed of in the above terms.

VIKAS MAHAJAN, J

JANUARY 21, 2025/‘rs’