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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 8928/2024**

MOHIT KATARIA AND ORS.Petitioners

Through: Mr. Shiv Kumar, Ms. Reema and Mr.
Ben Thomas Jorge, Advs.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Aman Usman, APP for State with
SI Snehlata, PS. Kanjhawala.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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18.02.2025

1. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.297/2020 under Sections 308/323/354/509/341/34 IPC registered at Police Station Kanjhawala and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. 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.
3. The petitioner nos.1 to 4 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 Snehlata, PS. Kanjhawala.
4. The learned counsel for the petitioners submits that a fight had taken



place between the parties, who are neighbours, which led to the registration of the two cross FIRs including the present one. He submits that the cross FIR i.e., FIR No. 298/2020 under Sections 308/323/341/34 IPC registered at Police Station Kanjhawala at the instance of the petitioner no.4 herein has already been quashed by this Court *vide* order dated 29.10.2024 passed in CRL.M.C. 8355/2024.

5. During the pendency of proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Settlement Deed dated 15.10.2024, which is annexed as Annexure C to the present petition.

6. It is recorded in the settlement that the parties have arrived at a settlement without any pressure, force or threats.

7. It is also the term of the settlement that the respondent no.2 shall cooperate for quashing of the aforesaid FIR.

8. The learned APP, on instructions from the I.O, affirms the fact that the cross FIR i.e., FIR No. 298/2020 has already been quashed by this Court.

9. The respondent no.2, on a query posed by the Court, 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. Considering the fact that the parties are neighbours and the present FIR is an outcome of a fight between them and further regard being had to the fact that settlement has been arrived at between the parties and the cross FIR has already been quashed, this Court is of the view that it is a fit case for exercising jurisdiction under Section 508 BNSS.
12. Consequently, the petition is allowed and the FIR No.297/2020 under Sections 308/323/354/509/341/34 IPC registered at Police Station Kanjhawala alongwith all other proceedings emanating therefrom, is quashed.
13. The petition stands disposed of in the above terms.
14. Order be uploaded on the website of this Court.

FEBRUARY 18, 2025/dss

VIKAS MAHAJAN, J