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

+ CRL.M.C. 9068/2024

YOGESH SHARMA & ORS.

.....Petitioners

Through: Mr. Aman Batra, Advocate

versus

STATE GOVT.OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Manoj Pant, APP for the State
with SI Gaurav, PS Begam Pur
Mr. Anand Parashar and Ms. Ritu
Mishra, Advocates for R-2

+ CRL.M.C. 9226/2024

DEVI DAYAL PARASHAR & ORS.

.....Petitioners

Through: Mr. Anand Parashar and Ms. Ritu
Mishra, Advocates

versus

STATE (GOVT. OF NCT OF DELHI) & ANR.Respondents

Through: Mr. Manoj Pant, APP for the State
with SI Gaurav, PS Begam Pur

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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04.02.2025

1. These two petitions have been filed under Section 482 Cr. P.C. 1973 seeking quashing of following two cross FIRs with all other proceedings emanating therefrom on the ground that the parties have arrived at settlement:

2. i) FIR No. 493/2017 under Section 323/354/354B/506/509/34 IPC, Police Station, registered at Begum Pur, Delhi at the instance of



complainant/respondent no. 2 in CRL.M.C. 9068/2024

3. ii) FIR No. 492/2017 under Section 323/354/354B/506/34 IPC, Police Station, registered at Begum Pur, Delhi at the instance of complainant/respondent no. 2 in CRL.M.C. 9226/2024.

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2. Issue notice. Learned APP appearing on behalf of the State accepts notice. He submits that since the parties have arrived at a settlement, the State have no objection in case the present FIR is quashed. He, however, adds 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.

3. The petitioners as well as respondent no. 2 in both the cases are present in Court and they have been identified by the I.O/ SI Gaurav, Police Station Begam Pur, Delhi.

4. The parties are stated to be neighbours and the dispute arose between them on the issue of installing overhead water tank, which led to the registration of the aforesaid two FIRs.

5. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced into writing in the form of two separate Memorandum of Understanding/Settlement Deed, both dated 07.05.2024, copies of which are annexed as Annexure-P4 (Crl. M.C. 9068/2024) and Annexure-B (Crl. M.C. 9226/2024) to the present petitions.

6. It is recorded in the aforesaid Memorandum of Understandings that the parties are neighbours and with the intervention of close relatives and friends they have resolved their disputes amicably without any force, coercion or pressure. It is also a term of settlement that the parties will cooperate each other for the quashing of aforesaid two FIRs.



7. Respondent no. 2/complainant in both the cases are present in Court. On a query posed by the Court, they affirm the factum of settlement and states that they have no objection in case the aforesaid 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)***

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

10. However, in the present case, since 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 petitioners in each petition. Accordingly, the petitioners in each petition are 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.



11. Consequently, the petitions are allowed and FIR No. 493/2017 under Section 323/354/354B/506/509/34 IPC, registered at Police Station Begum Pur, Delhi and FIR No. 492/2017 under Section 323/354/354B/506/34 IPC, Police Station, registered at Police Station Begum Pur, Delhi alongwith all other proceedings emanating therefrom, are quashed subject to payment of cost as aforesaid, within a period of two weeks from today.

12. The petitions stand disposed of in the above terms.

VIKAS MAHAJAN, J

FEBRUARY 4, 2025
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