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

+ **CRL.M.C. 9114/2024**

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.....Petitioner

Through: Ms. Lalita, Adv. with petitioners in person.

versus

THE STATE(GOVT. OF NCT OF DELHI THROUGH SHO PS. GOKAL PURI) & ANR.

.....Respondents

Through: Mr. Aman Usman, APP for State with ASI Sitarama PS Gokul Puri
Mr. Chaman Sharma, Adv. for R-2 with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

03.03.2025

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CRL.M.A. 34950/2024 (exemption)

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

CRL.M.C. 9114/2024

3. The present petition has been filed under Article 227 of Constitution of India read with Section 528 BNSS, 2023 seeking quashing of FIR No.171/2024 under Sections 452/323/34 IPC registered at Police Station Gokul Puri, Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Notice in the matter was issued *vide* order dated 13.01.2025. 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.

5. The petitioners, as well as, respondent no. 2 are present in the Court and they have been identified by their respective counsel, as well as, by the Investigating Officer ASI Sitarama PS Gokul Puri.

6. The case of the prosecution is that there was scuffle between the parties which escalated to fight and the same led to the registration of two cross-FIRs including the present one. The cross FIR No.165/2024 was registered at the instance of the petitioner under Sections 308/506/34 IPC at PS Gokul Puri, Delhi.

7. The learned counsel appearing on behalf of the petitioner submits that the injury suffered by the father and elder brother of respondent no.2, have been opined to be a simple one, which position is not disputed by the learned APP, on instructions from the IO, who is present in Court.

8. He submits that during the pendency of the proceedings, with the intervention of the respectable persons of the society the parties arrived at a settlement. The affidavit of applicant/victims is placed on record.

9. 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.

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. Consequently, the petition is allowed and the FIR No.171/2024 under Sections 452/323/34 IPC registered at Police Station Gokul Puri, Delhi alongwith all other proceedings emanating therefrom, is quashed.
14. The petition stands disposed of in the above terms.

VIKAS MAHAJAN, J

MARCH 3, 2025

N.S. ASWAL