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

+ **CRL.M.C. 9151/2024**

TARUN & ORS.

.....Petitioners

Through: Mr. M.L. Bajaj, Mr. Charanjit Singh
and Mr. R.C. Sharma, Advs. along
with petitioners.

versus

THE STATE NCT OF DELHI & ANR.Respondents

Through: Ms. Kiran Bairwa, APP for State with
S.I. Arun Kumar, P.S. Paharganj,
Delhi.
Mr. Rakesh Kumar and Mr. Ajeet
Kumar, Advs. for R-2 with R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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11.02.2025

CRL.M.A. 35065/2024 (exemption)

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

CRL.M.C. 9151/2024

3. The present petition has been filed under Section 528 of BNSS, 2023 seeking quashing of FIR No.200/2020 under Sections 323/341/308/147/148/149/427/34 IPC registered at Police Station Pahar Ganj, Delhi and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
4. Issue notice. The learned APP appearing on behalf of the State, as



well as, the learned counsel appearing on behalf of the respondent no.2 accept notice.

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 i.e. S.I. Arun Kumar, P.S. Paharganj, Delhi.

6. The brief facts of the present case are that the parties were staying in the same colony and dispute arose between them on account of throwing garbage in the dustbin located near the residence of the complainants. The dispute escalated to a fight in which blows with a *danda* were given by the petitioners to the respondent no.2, who consequently suffered injuries. This led to the registration of the aforesaid FIR.

7. The learned counsel for the petitioners submits that the parties were neighbours and the injuries suffered by the respondent no.2 were simple in nature, as well as, the offence weapon which is alleged to have been used was also not a dangerous one.

8. One of the complainant, namely Man Singh Meena is stated to have passed away. His death certificate has been placed on record. The factum of death of complainant/Man Singh Meena is also affirmed by the IO, who is present in court.

9. During the pendency of proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Memorandum of Understanding/Compromise Deed 08.10.2024, which is annexed as Annexure P-4 to the present petition.

10. It is recorded in the settlement that parties out of their free will and without any coercion or pressure have settled their disputes. It is also a term of the settlement that respondent no.2 shall cooperate with the petitioners in



quashing of the aforesaid FIR.

11. Considering the fact that the parties are neighbours and chargesheet has been filed wherefrom it is borne out that the injuries suffered by the complainant/respondent no.2 was simple in nature and the offence weapon used was not a dangerous one, this court is of the view that it is a fit case for exercising jurisdiction under Section 528 CrPC.

12. The respondent no.2, on a query posed by the Court, states that he has no objection in case the FIR is quashed.

13. 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.”

14. 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.

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

16. 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.25,000/- on the petitioners. Accordingly, the petitioners are directed to deposit cost of Rs.25,000/- 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.

17. Consequently, the petition is allowed and the FIR No.200/2020 under Sections 323/341/308/147/148/149/427/34 IPC registered at Police Station Pahar Ganj, Delhi along with all other consequential proceedings emanating therefrom, is quashed subject to payment of cost as aforesaid, within a period of two weeks from today.

18. The petition stands disposed of in the above terms.

19. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

FEBRUARY 11, 2025

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