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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 9189/2024

RAKESH KUMAR & ORS.

.....Petitioners

Through: Mr. U.S Gautam and Mr. Shubham
Shukla, Advs.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Nawal Kishore Jha, APP for State
with SI Suresh Kumar, PS. New
Usmanpur.
Ms. Anu Mandhan, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

15.01.2025

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1. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.258/2017 under Sections 308/34 IPC registered at Police Station New Usmanpur and all consequential proceedings emanating therefrom on the ground that the parties have arrived at a settlement.
2. Notice was issued in the present petition on 25.11.2024.
3. The learned APP submits that since the FIR is an outcome of scuffle dispute and the parties have arrived at a settlement, the State has no objection in case the FIR in question is quashed.
4. The petitioner nos.1 to 3, as well as, respondent nos. 2, are present in Court and they have been identified by their respective counsel, as well as, by the Investigating Officer SI Suresh Kumar, PS. New Usmanpur.



5. The brief facts of the case are that a trivial nature of dispute arose between the petitioner nos. 1 to 3 in which the respondent no.2 intervened to get the dispute settled but later on they manhandled the respondent no.2 due to which he suffered minor injuries. This led to the registration of present FIR.

6. During the pendency of the proceedings, the parties have arrived at a settlement, terms whereof were reduced in writing in the form of Settlement Deed in the month of September 2024, which is annexed as Annexure P-7 to the present petition.

7. It is stated in the settlement that the parties with the intervention of family and friends have resolved all their disputes amicably without any coercion or pressure. It is a term of settlement that the respondent no.2 will cooperate with the petitioners for the quashing of the present FIR.

8. I have perused the chargesheet. The injury suffered by the petitioner was opined to be 'simple' in the MLC.

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. 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.258/2017 under Sections 308/34 IPC registered at Police Station New Usmanpur alongwith all other proceedings emanating therefrom, is quashed.
14. The petition stands disposed of in the above terms.
15. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

JANUARY 15, 2025/dss